STATE STREET MIXED-USE DEVELOPMENT

ENVIRONMENTAL COMPLIANCE CHECKLIST

October 2, 2014

Prepared for:

City of Fremont
39550 Liberty Street
Fremont, CA 94537

Prepared by:

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Oakland, CA 94606

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INTRODUCTION

In 2011, the City of Fremont completed a comprehensive update to its General Plan. In doing so, Fremont affirmed the community's vision to transform the City Center into a pedestrian-oriented urban district of high intensity development. The General Plan intends for the City Center to contain a mix of office, retail, health care, government, high-density residential, cultural, and entertainment land uses, designed to create an active, lively street environment and strong sense of place. Shortly after adoption of the General Plan, the City followed with adoption of the Downtown Community Plan and Design Guidelines (DCP) in 2012 which sets forth a vision for a new urban mixed-use 110-acre area within City Center.

The DCP provides a detailed vision for civic, retail and mixed-use development within a 110-acre area centrally located within Fremont and bounded by the arterial roadways of Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway, and Walnut Avenue. The DCP provides a detailed roadmap for the transformation of today's low-intensity, vehicular-oriented suburban development pattern with surface parking areas to a new mid-to-high intensity, transit-oriented neighborhood that activates public spaces through street-level commercial, civic uses and public open spaces. Adoption of the DCP was preceded by preparation of a Supplemental Environmental Impact Report (SEIR) that tiered from the General Plan EIR. The General Plan EIR (SCH #2010082060) was certified by the City Council on December 13, 2011 by Resolution No. 2011-68, and the DCP SEIR (SCH #2010072001) was certified by the City Council on September 18, 2012 by Resolution No. 2012-50.

In conjunction with its SEIR, the DCP is also intended to provide for streamlined project and environmental review for subsequent projects that are consistent with the development density and intensity established in the Plan. Thus, projects consistent with the DCP would not require additional environmental review except as might be needed to evaluate whether there are project-specific significant effects that are peculiar to the project or site, which were not addressed as significant effects in either the General Plan or DCP SEIR, or whether there is substantial new information that shows previously identified effects would be more significant (Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183).

In 2013, the City undertook an important step toward implementation of the DCP's Street and Block Plan to extend Capitol Avenue, which currently terminates at State Street. The extension would connect Capitol Avenue to Fremont Boulevard and would help create a pedestrian-oriented urban district, provide necessary through connections between two major arterial roadways, and allow for convenient access and traffic flow to support a mixed-use "main street" environment. The City has begun construction of the Capitol Avenue extension from State Street to Fremont Boulevard.

Consistent with the DCP, the applicant proposes development of an approximately 5.4±-gross acre property located at the southwest corner of State Street and the extension of Capitol Avenue with a mixed-use project that would include approximately 145 residential units and 22,000 square feet of commercial retail space. The following environmental analysis

has been prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA).

CEQA Assessment

The following Environmental Checklist has been prepared pursuant to CEQA Guidelines §15183 (Projects Consistent with a Community Plan or Zoning) to determine if the proposed project requires additional environmental review.

CEQA Guidelines §15183 mandates that projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified (i.e., DCP SEIR) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Summary of the Results

As concluded by the following Environmental Checklist, there are no new significant effects peculiar to the Project or its site, no new significant effects, no new significant off-site or cumulative impacts, and no more severe adverse impacts than previously identified in the DCP SEIR. The DCP SEIR's programmatic mitigation measures are applicable to and adequate for the Project, as described in each environmental topic below. This evaluation concludes the proposed State Street Project is within the scope of the DCP SEIR, and that no further CEQA documentation is required.

The DCP SEIR is available at:

City of Fremont Community Development Department, Planning Division
39550 Liberty Street
Fremont, CA 94537

http://www.fremont.gov/DocumentCenter/View/18097

PROJECT DESCRIPTION

1. Project Title: State Street Mixed-Use Development

2. Lead Agency Name and Address:
City of Fremont
Community Development Dept
39550 Liberty Street
Fremont, CA 94537

3. Contact Person and Phone Number:
Cliff Nguyen, Senior Planner
cnguyen@fremont.gov
510-494-4769

4. Project Location: 39155 State Street; Assessor's Parcel Nos.: 501-1130-016-01 and 501-1130-016-02

5. Project Sponsor's Name and Address:
Regis Homes Bay Area and
TMG Partners
901 Mariners Island Bl., Suite 700
San Mateo, CA 94404

6. Existing General Plan Designation: Commercial - City Center

7. Existing Zoning: Downtown District (D); "Place Type" zones of Capitol Avenue Zone (D-CA) and Mid Zone (D-MD)

8. Existing Setting and Neighboring Land Uses:

The State Street Mixed-Use Development ("Project") site is located in the City of Fremont at the intersection of State Street and Capitol Avenue. **Figure 1** shows the Project site in relation to the Bay Area region, including surrounding communities and other major geographic features.

The Project site is approximately 5.4± acres in size and located on the south side of State Street near its intersection with Capitol Avenue. This site is situated in an urban setting, which includes a variety of existing commercial land uses such as office, personal service, restaurant and retail. **Figure 2** shows the Project site in relation to its immediate surroundings.

The Project site is presently vacant and covered with asphalt pavement including pockets of ornamental landscaping. Three (3) points of vehicular ingress/egress to State Street are presently provided at the Project site. The topography of the Project area is flat, with a gradual downward slope to the west, towards Fremont Avenue. **Figure 3** shows the Project site's existing conditions.

9. Description of Project:

The Project proposes the demolition of all existing improvements (e.g., asphalt pavement and ornamental landscaping) and subsequent development of new public streets (with accompanying wet/dry utility extensions) and a mixed-use development including new dwellings and business uses, as described below.

Streets & Blocks

The Project would create two new city blocks in conjunction with the proposed mixed-use development. This would be accomplished through the construction of three new public streets (i.e., B Street, C Street and New Middle Road) connecting to an extended Capitol Avenue.[1] The Project's roadway improvements implement the DCP's intent to develop an interconnected network for pedestrian and vehicular circulation.

All necessary wet utilities (e.g., sewer, water, stormwater) and dry utilities (e.g., electricity, gas) are adjacent to the Project site. The Project would extend each utility to the site within each new street. The Project's off-site improvements would be limited to trenching within State Street.

Site & Building

The Project would result in the removal of all existing asphalt pavement and ornamental landscaping and subsequent construction of approximately 145 residential units and 22,000 square feet of commercial retail space.

Two (2) buildings fronting Capitol Avenue would be mixed-use with ground floor commercial retail space and residential behind and on upper floors. Each mixed-use building would be four (4) stories and up to 60 feet in height. Off-street parking for each building would be located in a subterranean garage and behind each commercial space.

The remainder of the Project would consist of residential-only buildings consisting of attached rowhomes. Each building would be three (3) stories and up to 40 feet in height.

[1] The City is currently constructing the extension of Capitol Avenue from State Street, through the western boundary of the Project site, to Fremont Boulevard. That roadway extension underwent separate environmental review and is not considered a part of the Project analyzed herein.

Each rowhome includes two (2) off-street parking spaces within an attached garage.

Figure 1 through **1 (Project Plans)** show the plans associated with the proposed Project.

Operational Characteristics

The commercial component of the Project is envisioned to include up to ten (10) tenants for land use types permitted by the Downtown (D) zoning district. Leases for individual tenants have not yet been secured. For purposes of this analysis, commercial land uses within the Project are assumed to operate seven (7) days per week, between the hours of 6 AM to 10 PM.

Construction

The Project's construction activities would span an estimated forty-eight (48) months and would be restricted to the days/times required by Fremont Municipal Code Chapter 18.160. Construction activities would include demolition of existing asphalt pavement and ornamental landscaping, subsequent grading activities for subterranean parking garages and building foundations, and building construction/finishing.

The Project would include approximately 37,000 cubic yards of excavation (e.g., subterranean parking garages) and re-compaction for foundations. Aside from small power tools, construction equipment (e.g., scrapers, loaders, dump trucks) is assumed to include the use of rubber tires. No fixed crane or tracked equipment is anticipated. No pile driving would be necessary to construct the Project.

Entitlements

The proposed project would require approval of the following entitlements from the City of Fremont:

- Major Downtown Design Review
- Vesting Tentative Tract Map
- Private Street
- Preliminary Grading Plan
- Disposition and Development Agreement
- Development Agreement

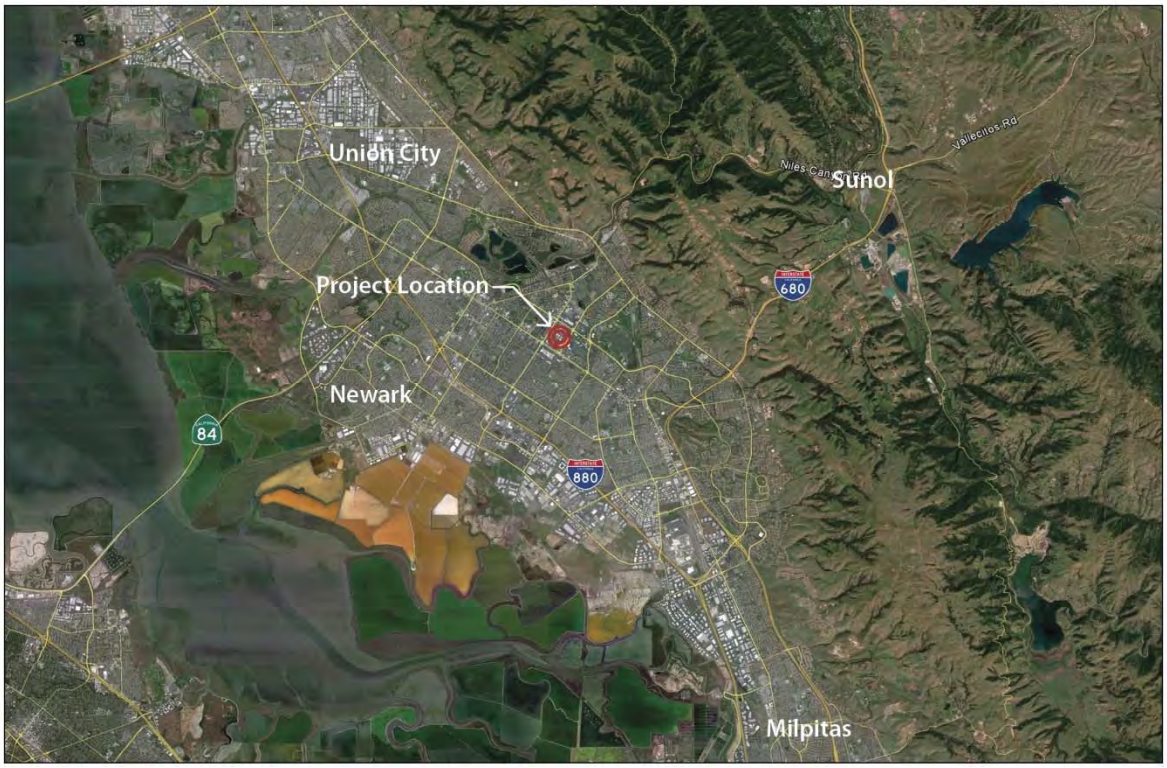

Figure 1: Regional Setting.

Figure 2: Local Setting.

Figure 3: Existing Condition.

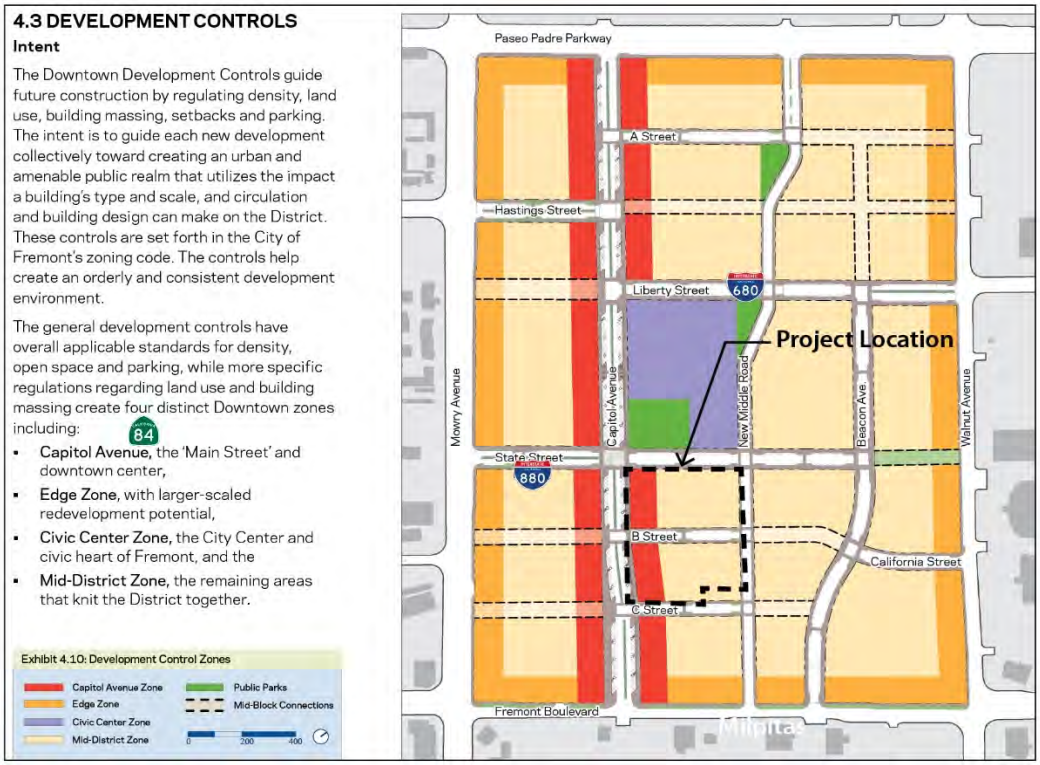

Figure 4: Downtown Plan Context

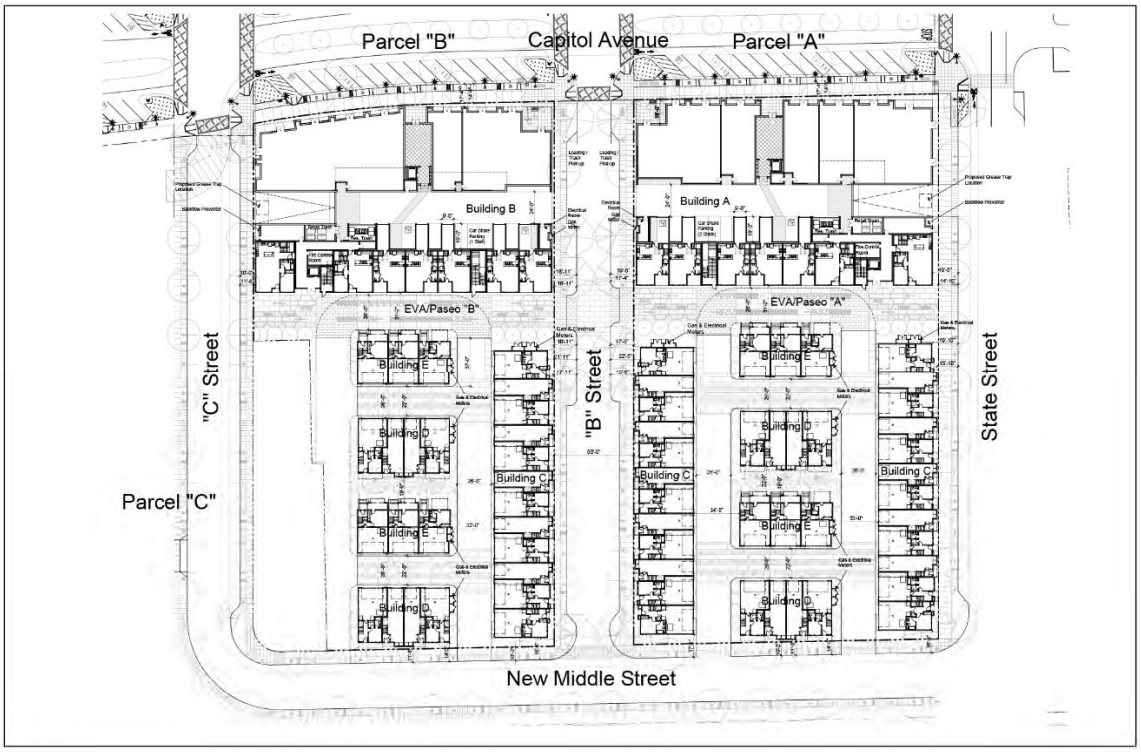

Figure 5: Proposed Site Plan.

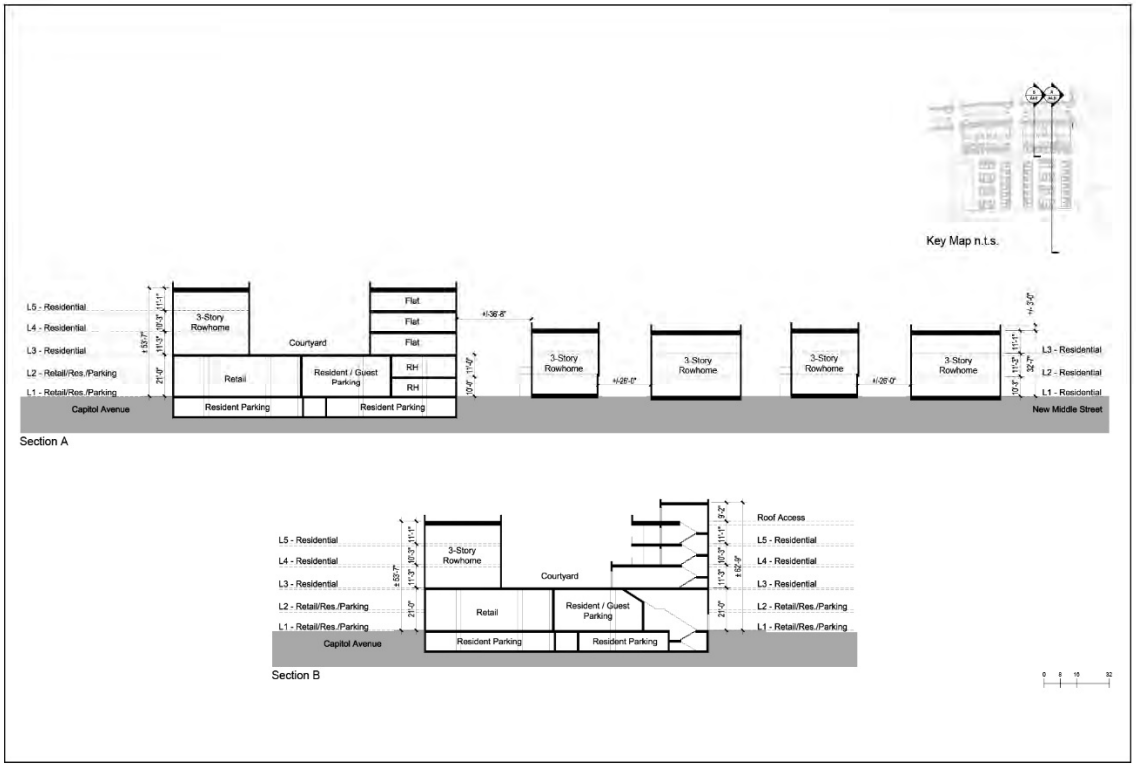

Figure 6: North/South Cross-Section through Project

Figure 7: Project's Building Elevations at State Street.

Figure 8: Building "A" Ground Level Plan

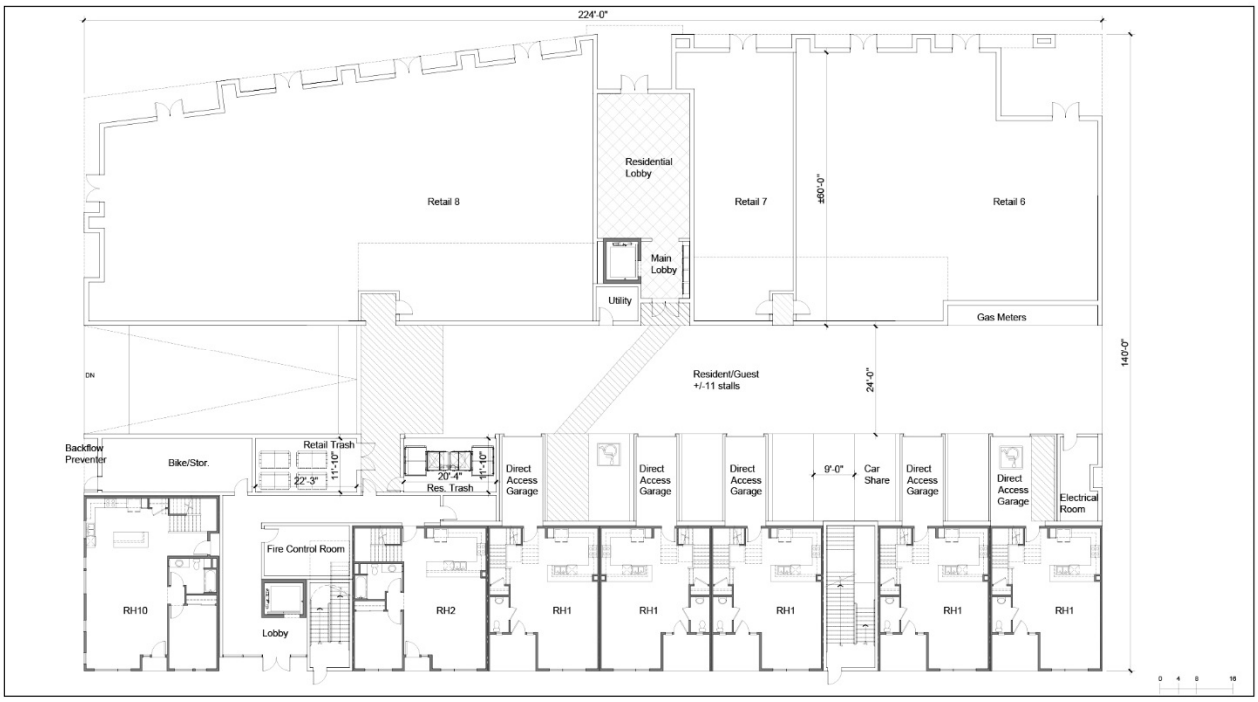

Figure 9: Building "B" Ground Level Plan

Figure 10: Building "C" Ground Level Plan

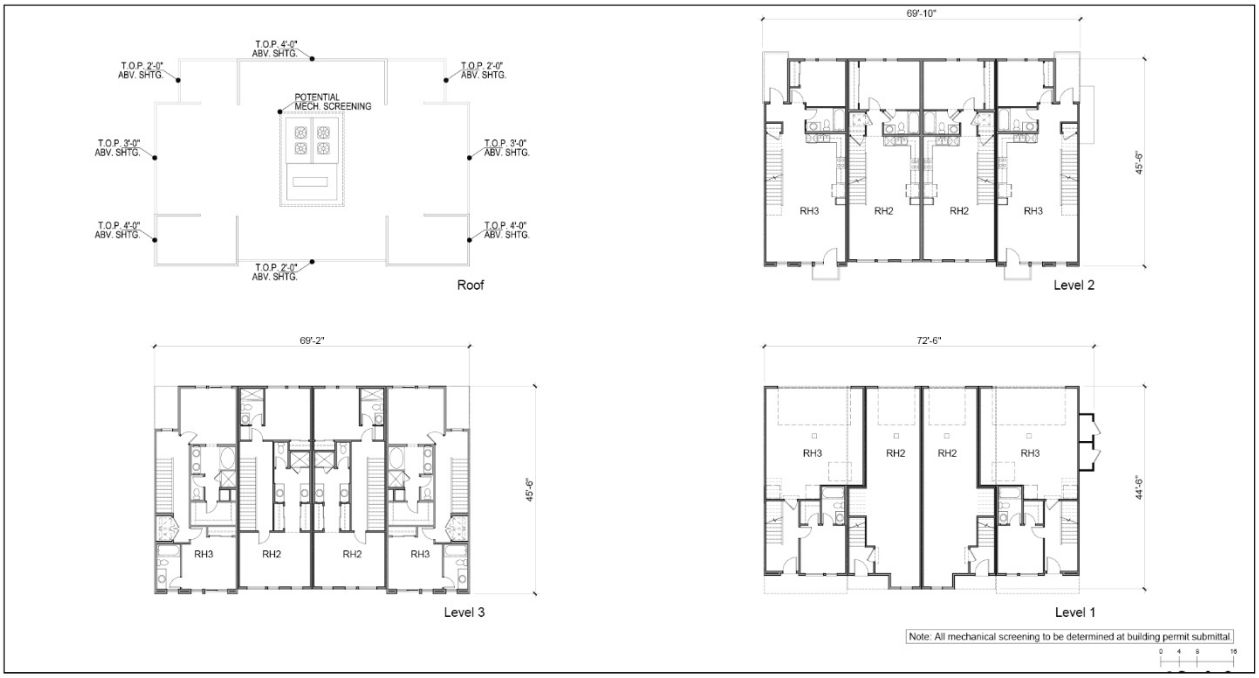

Figure 11: Building "D" Floor Plans

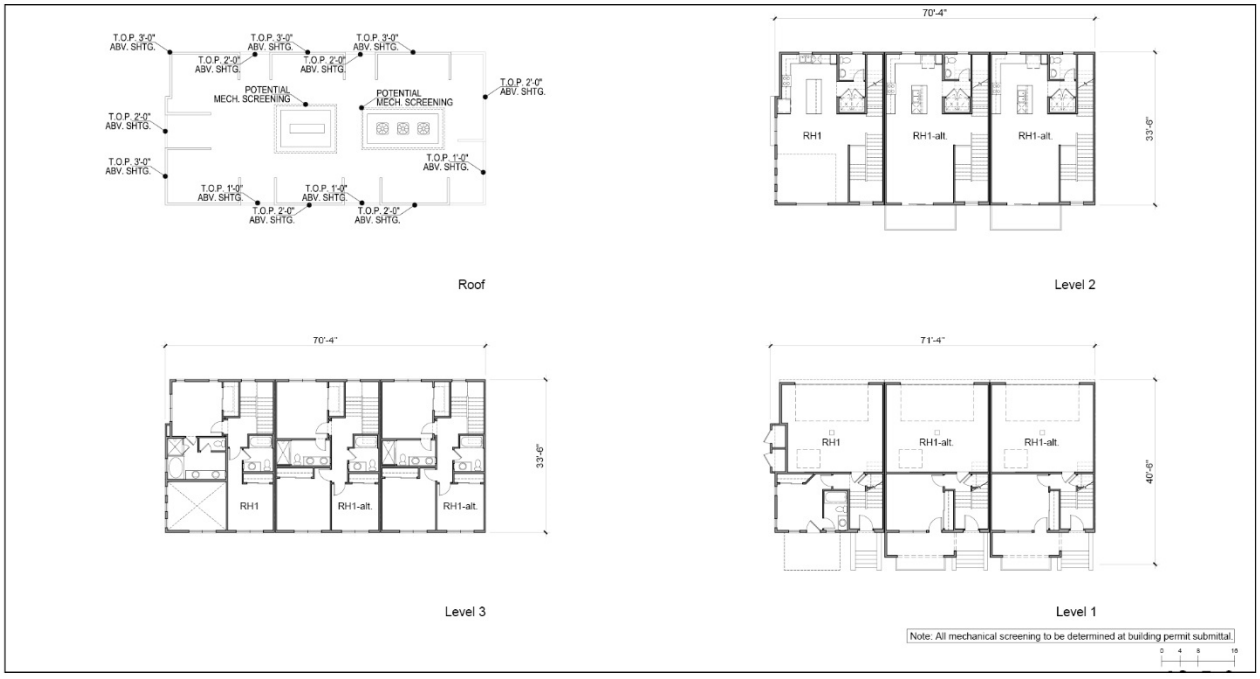

Figure 12: Building "E" Floor Plans

CEQA GUIDELINES §15183: PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

CEQA Guidelines §15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

The Environmental Checklist below demonstrates that the Project (described above) qualifies for review under CEQA Guidelines §15183 and does not need additional environmental review since the DCP SEIR, certified by the Fremont City Council on October 12, 2012, adequately addressed the Project's potential environmental effects.

Proposed Project Qualifies for No Further Environmental Review Under CEQA Guidelines §15183

CEQA §15183 applies to the Project since it meets all of the following conditions.

(1)(A) The project is consistent with a community plan adopted as part of a general plan.

The Project is subject to the DCP - a comprehensive, long-term planning document for the Downtown District of Fremont. In accordance with the General Plan, the DCP shall be used to guide land use and development decisions through the application of its standards and design guidelines.[2]

The DCP envisions the Project site to include two new city blocks encircled by public streets and which contain private development of retail (along Capitol Avenue) and residential land uses. The Project would accommodate both the envisioned roadway network and land uses, and would be consistent with the allowable density of the DCP. Both the DCP and the Downtown ("D") District Ordinance (Fremont Municipal Code (FMC) Chapter 18.47) contemplate a density of 50 dwelling units per acre.[3] The proposed project of approximately 145 units on a 4.1±-net acre site would result in a density of 35 dwelling units per acre[4], which is permissible with specified findings set forth in FMC Section 18.47.080 and would not result in impacts on the surrounding environment any greater than that contemplated by the DCP SEIR.

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2 See Fremont General Plan, Pages 2-22 and 2-23.

3 See DCP, Page 102 and FMC Section 18.47.080, Table 18.47.080.

4 See Fremont General Plan, Page 2-19 (density based on net acreage).

(1)(B) The project is consistent with a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development.

The Project site is zoned Downtown ("D") District and is assigned two "place-type" zones of Capitol Avenue Zone (D-CA) and Mid Zone (D-MD) (Zoning Ordinance §18.47.040). The D-CA Zone applies to the Project's mixed-use buildings (fronting Capitol Avenue); the D-MD Zone applies to the remainder.

Pursuant to Zoning Ordinance Table 18.47.050, the Project's residential use component is a permitted use, and the commercial portion can accommodate a number of uses that are either permitted or able to be considered via a Zoning Administrator Permit or Conditional Use Permit. Additionally, the Project would not exceed any of the development standards applicable to the site at Zoning Ordinance Table 18.47.080.

(1)(C) The project is consistent with the City of Fremont General Plan.

The Fremont General Plan designates the Project site: Commercial – City Center. Policy 2-1.5 of the General Plan sets forth a policy for the transformation of the City Center into a pedestrian-oriented urban district including a mix of office, retail, health care, government, high-density residential, cultural, and entertainment land uses, designed to create an active, lively street environment and strong sense of place.

The City Council has the ultimate discretion to determine whether the proposed Project would be considered consistent with the General Plan. While there are no General Plan policies particular to the Project site, there are a number of policies and implementation measures applicable to the Downtown District and supportive of the Project. These include the following,

- Implementation 2-1.5.A - (CBD Concept Plan and Downtown Plan): Utilize the Central Area Community Plan, Central Business District Concept Plan and the Downtown Community Plan and Design Guidelines as the guiding documents for land use and urban design decisions in City Center. Update these plans as necessary to reflect development trends, land use changes, and emerging City priorities.

  Project Analysis: The Project would be consistent with the land use and urban design objectives of the DCP. As articulated above, the DCP envisions the Project site to include two new city blocks encircled by public streets and which contain private development of retail and residential land uses. The Project would include these features of the DCP. Therefore, the Project would be consistent with General Plan Implementation 2-1.5.A.

- Implementation 2-1.5.B - (City Center as a Priority Development Area): Recognize City Center as Fremont's highest priority for multi-family development and pedestrian-oriented shopping, cultural, civic, and entertainment land uses. Future land use decisions throughout Fremont should support the vision of City Center as the heart of the City, and

should take care not to siphon off demand for these uses to other parts of the city.

Project Analysis: The Project would include multi-family development and pedestrian oriented shopping in the locations envisioned by the DCP. As such, the Project would be consistent with General Plan Implementation 2-1.5.B.

- Implementation 2-1.5.C - (Downtown): Identify the Downtown district of the City Center for very high intensity development. Projects in this area should be phased and designed so as not to preclude the long-term achievement of an urban environment. Allow a range of flexible uses in the Downtown while maintaining and enhancing retail opportunities. Minimum Floor Area Ratios shall be used to help achieve the vision for this area.

Project Analysis: The Project would include a mix of residential and commercial land uses, including ground-floor retail space on Capitol Avenue. The Project's mixed-use buildings fronting Capitol Avenue would adhere to the minimum floor area ratio (FAR), as well as density range allowed for Private Priority Development Sites of the Downtown Community Plan Area in accordance with Zoning Ordinance Table 18.47.080.

ENVIRONMENTAL CHECKLIST

CEQA Guidelines §15183(b) states that,

"In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located;

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR."

The following pages of this document contain an Environmental Checklist that examines the Project's potential environmental effects within the parameters outlined at CEQA Guidelines §15183(b). The "Prior EIR" used for comparison is the DCP SEIR certified by the City Council on October 12, 2012, including all impact determinations and significance thresholds utilized therein.

The SEIR identified significant effects, resulting from implementation of the DCP under the environmental topics of: Transportation, Noise, Hydrology and Water Quality, Geology/Soils, Hazards and Hazardous Materials, and Cultural and Paleontological Resources. Each of these prior potential impact determinations, including how they relate to the Project, is addressed in the text below.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

LAND USE

Would the Project?					
a) Physically divide an established community.	**No Impact**	**No**	**No**	**No**	**No**
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local costal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	**No Impact**	**No**	**No**	**No**	**No**
c) Conflict with any applicable habitat conservation plan or natural community conservation plan.	**No Impact**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Physically Divide Community

Would the Project: *Physically divide an established community?*

The DCP SEIR identified no significant effects (i.e., site-specific, off-site, or cumulative) related to physically dividing a community. There is nothing peculiar about the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR.

The Project would have a beneficial effect under this topic by constructing new public streets providing for increased pedestrian, bicycle and vehicular access in the Downtown area of Fremont.

For these reasons, the proposed project would not result in significant impacts related to physically dividing a community not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Plan, Policy or Regulation Conflict

Would the Project: *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local costal program, or*

zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The Project would not conflict with any of the policies identified within the DCP SEIR whose purpose is to avoid or mitigate an environmental effect. The DCP SEIR identified no significant effects (i.e., site-specific, off-site, or cumulative) for this criterion. There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to a conflict with any land use plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Habitat Conservation Plan Conflict

Would the Project: *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

The DCP SEIR identified, as is true today, that no habitat conservation plans or natural community conservation plans apply to the Downtown District. Hence, this criterion is inapplicable to the Project and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

AESTHETICS

Would the Project?					
a) Have a substantial adverse effect on a scenic vista?	**LTS**	**No**	**No**	**No**	**No**
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	**LTS**	**No**	**No**	**No**	**No**
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	**LTS**	**No**	**No**	**No**	**No**
d) Create a new source of substantial light or glare which would substantially and adversely affect daytime or nighttime views in the area?	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Scenic Vista

Would the Project: *Have a substantial adverse effect on a scenic vista?*

The DCP SEIR identified a less than significant effect (i.e., on-site, off-site, or cumulative) related to adverse effects on scenic vistas. Even with the development of taller buildings, the DCP SEIR found they would not change the general street pattern and layout or affect important public view corridors to scenic resources, primarily views of the hills to the east.

The Project would place buildings in locations and at heights contemplated by the DCP. Existing buildings and landscaping located east of the Project site would obstruct views of the hills from State Street. However, the Project would front the newly extended Capitol Avenue which provides a narrow view corridor of the hills.

For these reasons, the proposed project would not result in significant impacts related to scenic vistas not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Scenic Resource Damage

Would the Project: *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?*

The DCP SEIR identified a less than significant effect (i.e., on-site, off-site, or cumulative) relating to the substantial damage to Paseo Padre Parkway - a locally designated scenic corridor. The DCP SEIR found that compliance with the DCP Design Guidelines would avoid potential interference with Paseo Padre Parkway.

The Project site is located approximately 0.30 miles to the south of Paseo Padre Parkway. As a result of this distance and presence of intervening buildings and landscaping, the Project would have no adverse effect on views to, from and within the Paseo Padre Parkway since it would not be visible from that roadway.

The Project site includes no scenic resources (e.g., trees, rock outcropping, historic building). It is vacant and consists of asphalt pavement with pockets of ornamental landscaping. The Project site is also not visible from a state designated scenic highway.

For these reasons, the proposed project would not result in significant impacts related to scenic resources not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Visual Character Degradation

Would the Project: *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The DCP SEIR acknowledges that a change in visual character would result from higher intensity development in the Downtown area and concluded such change would be a less than significant effect. The Project would result in new development, at a vacant site, that is substantially consistent with that envisioned by the DCP.

There is nothing peculiar to the Project or its site that would result in a conclusion different from that found in the DCP SEIR for this topic. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more serve adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to the visual character or quality of the site and its surroundings not previously

identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Substantial Light or Glare Source

Would the Project: Create a new source of substantial light or glare which would substantially and adversely affect daytime or nighttime views in the area?

The DCP SEIR concluded that light and glare impacts associated with future development within the Downtown area would be less than significant through implementation of Fremont Municipal Code (FMC) §18.47.090(b) requiring exterior lighting to be diffused or concealed to prevent illumination of adjoining properties..

There is nothing peculiar to the Project (e.g., tall, pole-mounted lights) or its site (e.g., rural vs. urban setting) that would result in a conclusion different than the DCP SEIR for this topic. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to substantial light or glare sources not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

POPULATION, EMPLOYMENT AND HOUSING

Would the Project?					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	**LTS**	**No**	**No**	**No**	**No**
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.	**LTS**	**No**	**No**	**No**	**No**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Substantial Population Growth

Would the Project: *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The DCP SEIR analyzed the addition of up to 2,500 new residential units (approximately 7,500 people) and concluded such population growth would be a less than significant effect. The DCP SEIR also identified the DCP was intended, in part, to accommodate the City's share of regional population growth.

The Project would result in the construction of approximately 145 residential units, which would be a portion of the 2,500 units studied in the DCP SEIR. Thus, the Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to substantial population growth not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Housing Displacement

Would the Project: *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The Project site is vacant and includes no housing. Thus, this environmental topic is not applicable to the project and no further environmental review is necessary for this topic.

(c) People Displacement

Would the Project: *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The Project site is vacant and includes no housing. Thus, this environmental topic is not applicable to the project and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

TRANSPORTATION

Would the Project?					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections).	**SU/LTSM**	**No**	**No**	**No**	**No**
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.	**SU**	**No**	**No**	**No**	**No**
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	**No Impact**	**No**	**No**	**No**	**No**
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	**LTS**	**No**	**No**	**No**	**No**
e) Result in inadequate emergency access.	**LTS**	**No**	**No**	**No**	**No**
f) Result in inadequate parking capacity.	**LTS**	**No**	**No**	**No**	**No**
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks.	**No Impact**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Traffic Increase

Would the Project: *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?*

Existing Plus Downtown Community Plan

The DCP SEIR analyzed traffic increases resulting from implementation of the DCP in two scenarios: (1) Existing plus Minimum Build-Out; and (2) Existing plus Maximum

Build-Out. The Existing plus Minimum Build-Out scenario did not identify significant traffic impacts, but the Maximum Build-Out scenario did result in reductions in level of service (LOS) at three intersections. Each of the previously identified traffic impacts and corresponding mitigation measure are described below.

- Impact TRA-1: Mission Boulevard/Mowry Avenue - LOS E to LOS F in AM peak hour with > 4 seconds delay. (This impact was identified as *significant and unavoidable* even with implementation of Mitigation Measure TRA-1 below.)

  Mitigation TRA-1: Add Second West-Bound Right-Turn Lane at Mission Boulevard/Mowry Avenue Intersection. Adding a second westbound right-turn lane would improve overall vehicular operations of the intersection. However, this mitigation does not reduce the average intersection delay to an acceptable level, although delays are expected to improve over the "without project" scenarios. The additional westbound right-turn lane will increase the crosswalk distance and duration of pedestrian and bicyclist exposure to motor vehicle traffic. This is a secondary impact.

- Impact TRA-2: Fremont Boulevard/Capitol Avenue - LOS C to LOS F in PM peak hour. (This impact was identified as *less than significant* with implementation of Mitigation Measure TRA-2 below.)

  Mitigation TRA-2: Modify Southbound Shared Left/Through/Right Lane at Fremont Boulevard/Capitol Avenue Intersection. Modifying the southbound shared left/through/right lane to provide separate left and shared through/right-turn lanes would improve the overall vehicular operations of the intersection. This mitigation reduces the average intersection delay to an acceptable level.

- Impact TRA-3: Fremont Boulevard/Walnut Avenue - LOS D to LOS E in PM peak hour. (This impact was identified as *less than significant* with implementation of Mitigation Measure TRA-3 below.)

  Mitigation TRA-3: Add Second Southbound Left-Turn Lane at Fremont Boulevard/Walnut Avenue Intersection. Adding a second southbound left-turn lane would improve overall vehicular operations of the intersection. This mitigation reduces the average intersection delay to an acceptable level.

The City has fully funded, contracted, and at the time of the writing of this analysis, has started construction of the improvements noted at Mitigation Measure TRA-2 (Fremont Boulevard/Capitol Avenue). This improvement will be completed as part of the Capitol Avenue Extension Project noted in the Project Description above. Additionally, the City has fully funded the improvements noted at TRA-3 (Fremont Boulevard/Walnut Avenue) in the 2014/15 Capital Improvement Program.

Cumulative (Year 2035) Plus Downtown Community Plan

The DCP SEIR addressed cumulative traffic increases resulting from implementation of the DCP, as follows:

> "Development under the Downtown Community Plan would be expected to contribute a portion of the cumulative traffic anticipated on local roadways in 2035, and would, therefore, make a cumulatively considerable contribution to traffic congestion at numerous intersections (see Fremont DRAFT General Plan Update DRAFT EIR, pages 4-69 through 4-105, particularly Table 4-20 on pages 4-85 through 4-86 and Figure 4.3 on page 4-87). As indicated in the DRAFT EIR on the Fremont DRAFT General Plan Update, in some instances these impacts could be reduced to a level of less than significant through effective implementation of the Mitigations identified in that document, but in most instances, these measures will be unlikely to be feasible due to constraints, and not all intersections have identified mitigation measures. As a result, traffic congestion at impacted intersections would represent a significant and unavoidable cumulative impact associated with implementation of the Downtown Community Plan as was previously identified in the General Plan Update EIR."

Conclusion

There is nothing peculiar to the Project (e.g., land uses generating higher vehicles trips than previously analyzed) or its site that would result in a conclusion at variance with that found in the DCP SEIR for this criterion.

Since approval of the DCP, a total of 213 dwellings and 40,000 square feet of commercial floor area have been constructed or approved. With the addition of the Project, the total amount of development would still be considerably lower than either build-out scenario in the DCP SEIR.[5] Lastly, the City of Fremont is in the process of implementing Mitigation Measures TRA-2 and TRA-3. Each measure is intended to address the "Maximum Build-Out" scenario in the DCP SEIR, of which the Project is a very small increment.

The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to traffic increases not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

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[5] See Table 4-12, Downtown Community Plan EIR.

(b) Congestion Management Agency Roads or Highways

Would the Project: *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

The DCP SEIR includes a Congestion Management Plan (CMP) analysis addressing traffic increases upon Metropolitan Transportation System (MTS) roadways expected to be utilized by development within the DCP area. The analysis addresses years 2015 and 2035 and is derived from General Plan EIR since the General Plan contemplates the growth resulting from the DCP. Roadway segments expected to experience significant impacts are described below.

Freeway Segment

- Impact Traf-4: Eastbound I-880 from Mowry Avenue to Stevenson Boulevard with Maximum Build-out scenario (Years 2015 & 2035, PM Peak).

Arterial Segments

- Impact Traf-5: Eastbound Fremont Boulevard from I-880 to Thornton Avenue with Maximum Build-out scenario (Year 2035, AM/PM Peaks)
- Impact Traf-6: Southbound Mowry Avenue from Fremont Boulevard to I-880 with Minimum and Maximum Build-out scenarios (Year 2035, AM Peak)
- Impact Traf-7: Eastbound Paseo Padre Parkway from Thornton Avenue to Stevenson Boulevard with Minimum and Maximum Build-out scenarios (Year 2035, AM Peak)
- Impact Traf-8: Westbound Fremont Boulevard from Thornton Avenue to I-880 with Minimum and Maximum Build-out scenario (Year 2035, PM Peak)
- Impact Traf-9: Northbound Mowry Avenue from I-880 to Fremont Boulevard with Minimum and Maximum Build-out scenarios (Year 2035, PM Peak)
- Impact Traf-10): Northbound Mowry Avenue from Fremont Boulevard to Peralta Boulevard with Maximum Build-out scenarios (Year 2035, PM Peak)

The DCP SEIR identified all of these impacts as *significant and unavoidable* due to right-of-way acquisition, financial implications, and secondary impacts.

There is nothing peculiar to the Project (e.g., land uses generating higher vehicles trips than previously analyzed) or its site that would result in new significant effects, either on- or off-site, and there is no new substantial source of information relating to the significant effects listed above that would indicate a more severe adverse impact. The

Project would be consistent with the allowable intensity and density range contemplated by the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to a conflict with a congestion management plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Air Traffic Patterns

Would the Project: *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The Project is not located within an area subject to an Airport Land Use Compatibility Plan. Consequently, this criterion is inapplicable to the Project and no further environmental review is necessary for this topic.

(d) Design Feature Hazard

Would the Project: *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The DCP SEIR concluded impacts for this topic would be less than significant. The DCP SEIR contemplated the Project's changes to the existing roadway network, including the city-sponsored extension of Capitol Avenue.

Compliance with FMC §12.30.200 (Maintenance of landscaping along or in street right-of-way), and FMC Chapter 17.25 (Standards and Dedications) would further ensure the Project results in a less than significant impact relative to design feature hazards, as contemplated by the DCP SEIR. There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this criterion. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to an increase in hazards due to a design feature or incompatible uses not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Emergency Access

Would the Project: *Result in inadequate emergency access?*

The DCP SEIR observed the multiple points of access and mandatory project review by the Fremont Fire Department, and identified a less than significant effect relating to inadequate emergency access.

The Project would not result in inadequate emergency access. Rather, it would have the opposite (i.e., beneficial) effect under this criterion through its construction of new public streets providing for increased vehicular access in the Downtown area of Fremont. Consequently, emergency response vehicles would have improved access to the area through new routes of travel.

The project has been reviewed by the Fremont Fire Department as part of the design review process and conforms to City requirements. For these reasons, the proposed project would not result in significant impacts related to emergency access not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(f) Parking Capacity

Would the Project: *Result in inadequate parking capacity?*

The DCP SEIR concluded that the DCP incorporates development controls intended to manage on-street parking to ensure the efficient use of curbside space, to provide adequate customer parking for local businesses, and to encourage shared parking. Effective implementation of these standards would reduce potential impacts associated with increased demand for adequate parking capacity to a level considered less than significant.

Subsequent to certification of the DCP SEIR, this environmental topic was removed by the California Legislature from the CEQA Guidelines. As such, the analysis of potential environmental effects under this criterion is no longer required. Nevertheless, there is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this criterion.

(g) Alternative Transportation Plan Conflict

Would the Project: *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks?*

The DCP SEIR concluded the DCP would result in *beneficial* impacts for this topic through its promotion of alternative (i.e., non-passenger vehicular) modes of travel by locating development in proximity to existing transit service. The DCP SEIR also concluded that adequate capacity would be available on BART and bus lines serving the Downtown area.

The Project would be consistent with the allowable intensity and density range contemplated by the DCP SEIR. The Project would also have *beneficial* impacts through its construction of new bicycle and pedestrian facilities and location within one-quarter mile of existing transit stops.

For these reasons, the proposed project would not result in significant impacts related to a conflict with an alternative transportation plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

AIR QUALITY

Would the Project?					
a) Conflict with or obstruct implementation of the applicable air quality plan.	**LTS**	**No**	**No**	**No**	**No**
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	**LTS**	**No**	**No**	**No**	**No**
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors.	**LTS**	**No**	**No**	**No**	**No**
d) Expose sensitive receptors to substantial pollutant concentrations.	**LTS**	**No**	**No**	**No**	**No**
e) Create objectionable odors affecting a substantial number of people.	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Air Quality Plan Conflict

Would the Project: *Conflict with or obstruct implementation of the applicable air quality plan?*

The DCP SEIR concluded a less than significant impact would result related to conflict with an air quality plan since the DCP's anticipated rate of vehicle miles traveled would be less than the rate of population growth. In addition, the DCP SEIR determined the General Plan's policies and measures were consistent with control measures included in the Bay Area 2010 Clean Air Plan.

There is nothing peculiar to the Project (e.g., higher than anticipated population) or its site that would result in a conclusion at variance with that found in the DCP SEIR regarding air quality plan conflicts. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more serve adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to a conflict with an air quality plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b, c) Air Quality Standard, Criteria Pollutants

Would the Project: (b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation; or (c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors?*

The DCP SEIR utilized the Bay Area Air Quality Management (BAAQMD) guidelines and thresholds adopted in June 2010. Subsequently, the BAAQMD updated the CEQA Guidelines in May 2011. This analysis relies upon the significance thresholds and methodology in the BAAQMD's *California Environmental Quality Act - Air Quality Guidelines* published in May 2011.

The BAAQMD CEQA Guidelines provide thresholds of significance for air pollutants, based on assumptions of emission levels at which a development project's individual emissions would be considered cumulatively considerable. If a development project exceeds these thresholds, its emissions would be cumulatively considerable and result in significant adverse air quality impacts to the region's existing air quality conditions.

The BAAQMD CEQA Guidelines also contain screening criteria which provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts (i.e., exceed the applicable threshold of significance) from both short-term and long-term emissions. If all of the screening criteria are met by a proposed project, quantification of the project's air pollutant emissions is not necessary to make a determination that the impact will be below the thresholds of significance. **Table 1** below compares the updated May 2011 BAAQMD CEQA Guidelines screening criteria against the Project.

TABLE 1: CRITERIA POLLUTANT SCREENING CRITERIA

Land Use	Pollutant Screening Size		Project	Above Screening Level?
	Operation	Construction		
Condo/townhouse, General	451 units	240 units	145 units	No
Strip Mall	99,000 sq. ft.	277,000 sq. ft.	22,000 sq. ft.	

Source: Table 3-1, *BAAQMD CEQA Guidelines,* May 2011.

Given the Project would result in a development falling below BAAQMD screening levels shown in **Table 1** above, it can be conservatively concluded that the Project would not result in any peculiar effects, new impacts or more severe impacts relative to criteria pollutant emissions.

For these reasons, the proposed project would not result in significant impacts related to the air quality standard or criteria pollutants not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Sensitive Receptors

Would the Project: *Expose sensitive receptors to substantial pollutant concentrations?*

Introduction

The DCP SEIR concluded that, based on an evaluation of mobile and stationary sources of toxic air contaminants, a *less than significant impact* would result relative to sensitive receptor exposure.

Since certification of the DCP SEIR, the BAAQMD updated their CEQA Guidelines and developed new screening tools for toxic air contaminants (TACs). It is also possible that some of the sources of TACs have changed since certification of the DCP SEIR. This could constitute a source of new information. For all these reasons, and even though there is nothing peculiar to the Project (i.e., not a source of TACs) or its site (e.g., location close to a previously identified TAC source), this document provides a new, project-specific analysis of toxic air contaminant exposure.

The Project would bring new sensitive receptors (e.g., children, elderly persons) to an area exposed to existing and future sources of TACs (e.g., generally, fine particulate matter from mobile sources (i.e., vehicles) and stationary source emissions (e.g., gas station, diesel generator).

Health Risk Screening - Operational

The BAAQMD provides CEQA community risk and hazards screening tools for lead agencies to use when considering whether there should be further, more detailed environmental review of a project. Lead agencies may use the screening tools to assess a project's potential risk and hazard impacts, compare the results to the lead agency's applicable thresholds of significance, and determine whether additional analysis is necessary.

The BAAQMD Risk and Hazard Screening Analysis Process Flowchart directs that lead agencies should identify three emission sources (i.e., highway, major roadway, stationary) within 1,000 feet of a project's boundary and compare each source individually against the screening criteria for each source.

After the screening criteria for each source are evaluated, the values from all sources are to be added up and compared against a cumulative screening value (addressed below under Criterion 6 (Cumulative Health Risks)). The analysis below follows this BAAQMD-recommended methodology.

Highways

The BAAQMD screening tool for health-risks from highway-related emissions is applied to new sensitive receptors within 1,000 feet of the nearest high volume highway with greater than 10,000 vehicles or 1,000 trucks per day. The nearest highway (i.e., I-880) is located over 8,400 feet from the Project site. Hence, this TAC source is considered inapplicable to the Project site.

Major Roadways

The BAAQMD screening tool for health-risks from major roadway-related emissions is applied to new sensitive receptors within 1,000 feet from the nearest high volume surface street (i.e., not highway) with greater than 10,000 vehicles or 1,000 trucks per day.

Mowry Avenue, Fremont Boulevard, and Walnut Avenue all convey over 10,000 vehicles per day and are located within 1,000 feet of the Project site. Mowry Avenue has an Average Daily Trip (ADT) rate of 45,300 vehicles between Fremont Boulevard and Paseo Padre Parkway, and is approximately 520 feet from the site. Fremont Boulevard has an ADT of 30,600 between Mowry Avenue and Walnut Avenue, and is approximately 435 feet from the site. Walnut Avenue has an ADT of 12,600 between Paseo Padre Parkway and Fremont Boulevard, and is approximately 800 feet from the nearest boundary of the site.

Table 2 below shows the combined emission factor results at the Project site for the major roadways within 1,000 feet of the Project. ADT values in the Surface Streets Screening Analysis Tool were rounded up to the next 10,000 (e.g., 45,300 at Mowry

Avenue rounded to 50,000) and distance north/south or east/west was rounded down to the closest entry (e.g., 435 feet at Fremont Avenue feet rounded down to 200 feet) in the screening table in order to be conservative in the assessment of potential health risks (available entries are 200, 500 or 700 feet). Emission values from each roadway are summed together in **Table 2** to account for all major roadway sources.

TABLE 2: MAJOR ROAD-RELATED HEALTH RISK SCREENING RESULTS

Health Risk Category	Threshold of Significance	Emission Factors at the Project Site[1]	Above Screening Level?
Lifetime Cancer Risk	10 per one million	7.61 per million	No
$PM_{2.5}$ Concentration	0.3 ug/m3	0.292 ug/m3	No

(ug/m3) = micrograms per cubic meter of air.

[1] Emission factors derived from BAAQMD's May 2011 Roadway Screening Tables.

Given the Project would result in a development falling below BAAQMD screening levels shown in **Table 2** above, it can be concluded that the Project would not result in any peculiar effects, new impacts or more severe impacts relative to health risks from major road sources.

Health Risk Screening - Stationary Sources

The BAAQMD Stationary Source Screening Tool contains all the sources in the Bay Area that have permits to operate and that emit one (1) or more TAC. The types of sources include, but are not limited to refineries, gasoline dispensing facilities, dry cleaners, diesel internal combustion engines, natural gas turbines, crematories, landfills, waste water treatment facilities, hospitals and coffee roasters.

There are four (4) existing stationary sources of TACs within 1,000 feet of the Project site. Screening-level cancer risk and hazard values for each stationary source were derived from the use of BAAQMD tools. The screening-level cancer risk and hazard values from both BAAQMD tools are based on worst-case assumptions to determine whether or not a refined modeling analysis may be needed. The calculations used in this screening analysis do not include source specific exhaust information such as stack height, exhaust gas exit velocity, exhaust gas temperature, nor do they account for actual distances from receptors. A more refined analysis using source specific exhaust parameters, site specific meteorological data, site specific building dimensions and locations, and actual location of source and receptors could be expected, according to BAAQMD, to result in substantially lower and more accurate values than those found in the screening tool.

Table 3 below compares the results of applying the stationary source screening process to the Project.

TABLE 3: STATIONARY SOURCE HEALTH RISK SCREENING RESULTS

BAAQMD ID#	Location	Cancer Risk (per million)	$PM_{2.5}$ ($\mu g/m^3$)	Non-Cancer Risk
G10560[1]	4004 Mowry Ave	1.18	-	0.0018
14903	39201 Fremont Blvd	0.14	0.001	0.006
G11206[2]	39080 Fremont Blvd	-	-	-
	Subtotals	**1.32**	**0.001**	**0.0078**
	BAAQMD Single Source Threshold	**10.00**	**0.300**	**1.00**

[1] This source is a gasoline dispensing facility; initial cancer risk (47.65) and non-cancer risk (0.071) values adjusted by BAAQMD Gasoline Dispensing Multiplier Tool.

[2] This source is a gasoline dispensing facility that no longer exists.

(ug/m3) = micrograms per cubic meter of air.

Note: Emission factors derived from BAAQMD's Google Earth Screening Analysis Tool dated May 20, 2012. See Appendix A for radius map and source locations.

Given the Project would result in a development falling below BAAQMD screening levels shown in **Table 3** above, it can be concluded that the Project would not result in any peculiar effects, new impacts or more severe impacts relative to health risks from stationary sources.

Health Risk Screening - Cumulative

TABLE 4: CUMULATIVE HEALTH RISK SCREENING RESULTS

Source	Cancer Risk (per million)	$PM_{2.5}$ ($\mu g/m^3$)
Surface Streets	7.61	0.292
Stationary Sources	2.81	0.002
Cumulative Total	**10.42**	**0.294**
BAAQMD Cumulative Threshold	**100**	**0.800**

As shown in **Table 4**, the combination of TAC sources discussed above is below the cumulative threshold levels established by BAAQMD. Therefore, the Project would not result in any peculiar effects, new impacts or more severe impacts relative to cumulative health risks from both mobile and stationary sources. Conclusion

For these reasons, the proposed project would not result in significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Odors

Would the Project: *Create objectionable odors affecting a substantial number of people?*

The DCP SEIR concluded a *less than significant impact* would result under this criterion since major sources of odor in Fremont are located well outside of the DCP area.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR regarding odors. The Project does not include any major source of odor. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to objectionable odors affecting a substantial number of people not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

NOISE AND VIBRATION

Project causes?					
a) New land uses implemented by the Downtown Community Plan would be exposed to noise levels above acceptable levels defined in the General Plan or the Zoning Ordinance.	**LTSM**	**No**	**No**	**No**	**No**
b) New land uses implemented by the Downtown Community Plan would be exposed to excessive ground-borne vibration levels, as defined by the Federal Transit Agency, from passenger or freight trains, or BART trains.	**No Impact**	**No**	**No**	**No**	**No**
c) Permanent noise level increases above existing levels, resulting from transportation sources such as increased traffic implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas.	**SU**	**No**	**No**	**No**	**No**
d) Permanent noise level increases above existing levels, resulting from new stationary noise sources implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas, or exceed daytime or nighttime noise thresholds appropriate for stationary sources.	**LTSM**	**No**	**No**	**No**	**No**
e) Construction or demolition activities necessary to implement the Plan cause a substantial temporary increase in noise in residential or other noise sensitive areas.	**SU**	**No**	**No**	**No**	**No**
f) Groundborne vibration generated by construction activities exceeds 0.5 inches/sec, ppv, for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, ppv, for buildings that are found to be structurally sound but structural damage is a major concern, or 0.08 inches/sec, ppv, for historic buildings or buildings that are documented to be structurally weakened.	**SU**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Noise Exposure

Would the project result in: *New land uses implemented by the Downtown Community*

Plan would be exposed to noise levels above acceptable levels defined in the General Plan or the Zoning Ordinance?

The DCP SEIR identified a *potentially significant effect* regarding noise exposure resulting from vehicular traffic along roadways, as follows:

- Impact NOI-1 - Exposure to Traffic-Related Noise: Those living and working in new development anticipated in the Downtown area under the Downtown Community Plan, particularly residential uses adjacent to principal streets, could be exposed to excessive traffic-related noise levels. This would represent a potentially significant impact.

The DCP SEIR concluded that effect could be reduced below the threshold of significance through implementation of mitigation, as follows:

- Mitigation NOI-1 - Site-Specific Noise Studies/Site Planning: Utilize site planning to minimize noise in residential outdoor activity areas (backyards of single family homes and shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The design goal is an exposure that does not exceed a noise level of 60 dBA Ldn from roadway traffic. Exceeding 60 dBA Ldn may occur per subsequent development review approval in accordance with City Safety Element Policies.

  The California Building Code and the City of Fremont require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower.

  Noise insulation features shall be considered on a case by case basis at the time of building permit review for noise sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR regarding noise exposure. The Project is not located near any major stationary noise source (e.g., airport, railway, commercial loading dock). The Project is also located further away from the majority of noise sources (i.e., roadways) identified by the DCP SEIR (i.e., between three to four times the modeled 75 feet) and, therefore, could be expected to have lower exposure than that identified in Impact NOI-1 above.

The DCP SEIR addressed a worst-case scenario by identifying expected noise exposure levels near area roadways in a future "Maximum Project Build-out" condition.[6] The DCP SEIR also noted that noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor and that intervening structures or terrain would result in even lower noise levels. **Table 5** below identifies the DCP SEIR's modeled noise levels from area roadways and adjusts them for exposure at the Project site.

TABLE 5: AREA ROADWAY NOISE EXPOSURE

Roadway	Max Build-Out dBA at 75 Feet[1]	Roadway Distance to Project (Feet)	Noise Level at Project [2]
Paseo Padre Pkwy	70	1,600	36.75
Mowry Ave	72	550	49.5
Walnut Ave	65	850	38.5
Fremont Ave	69	500	47
Capitol Ave	60	0	60
Beacon Ave	59	300	41
State St	60	0	60

[1] Table 4-22, Downtown Community Plan Supplemental EIR.

[2] Max Build-Out dBA reduced 6 dBA for each doubling of distance.

The DCP SEIR notes at Page 4-120 that, "Where exterior noise levels do not exceed 70 dBA Ldn, interior noise can be mitigated with standard wall and window construction and the inclusion of mechanical forced-air ventilation, acceptable to the City of Fremont, to allow occupants the option of maintaining windows closed to control

6 See Table 4-22, Downtown Community Plan Draft Supplemental EIR.

noise." Given the anticipated noise levels at the Project site noted at **Table 5**, it can be concluded that Mitigation Measure NOI-1 would adequately attenuate the Project's interior noise levels.

Mitigation Measure NOI-1 would apply to the Project and would adequately attenuate traffic-related noise sources. The Project would not result in any peculiar effects, new impacts or more severe impacts.

For these reasons, the proposed project would not result in significant impacts related to noise exposure not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Groundborne Vibration

Would the project result in: *New land uses implemented by the Downtown Community Plan would be exposed to excessive ground-borne vibration levels, as defined by the Federal Transit Agency, from passenger or freight trains, or BART trains?*

The DCP SEIR concluded *no impact* would result under this criterion since the DCP area is not subject to groundborne vibration from trains. The nearest railway is located approximately 0.60 miles north of the Project.

For these reasons, the proposed project would not result in significant impacts related to groundborne vibration not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Transportation Noise Sources

Would the project result in: *Permanent noise level increases above existing levels, resulting from transportation sources such as increased traffic implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas?*

The DCP SEIR identified a *potential significant effect* regarding noise from vehicular traffic along roadways, as follows:

- Impact NOI-2 - Traffic-Related Noise Increase Above Existing Levels: Development anticipated under the Downtown Community Plan would increase traffic noise levels substantially above existing noise levels along some roadway segments, a significant impact.

The DCP SEIR concluded that effect could, in some but not all circumstances, be

reduced below the threshold of significance through implementation of mitigation measures, as follows:

- Mitigation NOI-2 - Site-Specific Noise Reduction: Methods available to mitigate project generated noise level increases would need to be studied on a case-by-case basis at receivers that would be considered noise impacted. Noise reduction methods could include the following:

    - New or larger noise barriers or other noise reduction techniques could be constructed to protect sensitive outdoor use areas at existing residential land uses where reasonable and feasible. Final design of such barriers should be completed during project level review on a parcel-by-parcel basis.

    - Alternative noise reduction techniques could be implemented, such as re-paving streets with "quieter" pavement types such as Open-Grade or Rubberized Asphalt Concrete. The use of "quiet" pavement can reduce noise levels by 2 to 5 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors.

    - Affected residences could be provided building sound insulation such as sound rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.

Even with implementation of Mitigation Measure NOI-2, the DCP SEIR concluded that Impact NOI-2 would remain as *significant and unavoidable*. Thus, the Project would result in no new significant effects (on-site, off-site or cumulative) than otherwise contemplated by the DCP SEIR for this topic, and there is no new information indicating a more severe adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to transportation noise sources not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Permanent Noise Increase

Would the project result in: *Permanent noise level increases above existing levels, resulting from new stationary noise sources implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas, or exceed daytime or nighttime noise thresholds appropriate for stationary sources?*

The DCP SEIR identified a *potentially significant effect* for this criterion resulting from potential land use incompatibility, as follows:

- Impact NOI-3 - Increased Noise Exposure Associated with Land Use Incompatibility: Development anticipated under the Downtown Community Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with, or next to, residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise, and would be a potential noise impact. These would be considered potentially significant impact.

The DCP SEIR concluded the effect related to permanent noise increases could be reduced below the threshold of significance through implementation of mitigation, as follows:

- Mitigation NOI-3 - Incorporate Practical Limitations for Loading/Unloading/ Maintenance Activities: New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

  Noise levels at residential property lines from commercial development should be maintained not in excess of the Fremont General Plan 2035 limits provided in Table 10-1 or the Ldn noise limits set forth in the Municipal Code. The approvals of the commercial development should require a noise study demonstrating how the business, including loading docks, refuse areas, and ventilation systems, would meet these standards and would be consistent with the City's noise standards.

  Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are minimized during the hours of 7:00 AM to 9:00 PM.

The Project would include commercial uses at the ground level along (the extended) Capitol Avenue but excludes loading docks and ground-level mechanical equipment. Also, the Project's proposed commercial uses would use trash/recycling areas located within a building. FMC Section 18.177.010 prohibits any, "Uses involving hazardous materials or generating high level of noise incompatible with residential uses." As individual tenants are identified for the Project's commercial spaces, mandatory compliance with FMC Section 17.25.110 (Noise attenuation – Residential lots adjacent to freeways, railroads, thoroughfares, parkways and certain uses) and Mitigation Measure NOI-3 would ensure residential uses within the Project are not subject to excessive noise levels.

For these reasons, the proposed project would not result in significant impacts related to a permanent noise increase not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Substantial Temporary Noise Increase

Would the project result in: *Construction or demolition activities necessary to implement the Plan cause a substantial temporary increase in noise in residential or other noise sensitive areas?*

The DCP SEIR identified a *potentially significant impact* for this criterion, as follows:

- Impact NOI-5 - Temporary Exposure to Construction Noise: Businesses and residences would be intermittently exposed to high levels of noise throughout the planning period. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, a potentially significant impact.

The DCP SEIR concluded this impact could be mitigated, but not always to levels below the threshold of significance, through implementation of the following mitigation measure:

- Mitigation NOI-5 - Prepare a Noise Control Plan addressing Modification, Placement and Operation of Construction Equipment: Construction equipment should be well maintained and used judiciously to be as quiet as practical. Feasible means of reducing noise at a project level may include:

    - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

    - Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

    - Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

    - Prohibit unnecessary idling of internal combustion engine.

    - Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

    - Place solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Route construction related traffic along major roadways and as far as feasible from sensitive receptors.

- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.

- Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.

- Notify businesses, residences or noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

The Project's construction activities would be similar to that considered in the DCP SEIR except that a sensitive land use (i.e., residential) is not located nearby, and an extreme noise source (i.e., pile-driving) would not be used in Project construction. Project construction would occur during the days/times required by FMC Chapter 18.160 and, as augmented by the noise control plan required by Mitigation Measure NOI-5, noise levels would be reduced to the extent feasible and practicable.

With regard to potential cumulative impacts, the only other known nearby construction project is the extension of Capitol Avenue. Should both projects be under construction at the same time, their cumulative noise impact was considered by the DCP SEIR previously and concluded to be *significant and unavoidable*.

For these reasons, the proposed project would not result in significant impacts related to a temporary noise increase not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(f) Groundborne Vibration - Construction

Would the project result in: *Groundborne vibration generated by construction activities exceeds 0.5 inches/sec, ppv, for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, ppv, for buildings that are found to be structurally sound but structural damage is a major concern, or 0.08 inches/sec, ppv, for historic buildings or buildings that are documented to be structurally weakened?*

The DCP SEIR identified a *potentially significant impact* for this criterion, as follows:

- Impact NOI-6 - Construction-Related Vibration: Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work associated with construction anticipated under the Downtown Community Plan, a potentially significant impact.

The DCP SEIR concluded this impact could be mitigated, but not always to levels below the threshold of significance, through implementation of the following mitigation measure:

- Mitigation NOI-6 - Prepare a Construction Control Plan Addressing Effects of Construction Activities Generating Excessive Vibration: Feasible means of reducing substantial vibration effects at a project level may include:

    - Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.

    - Avoid using vibratory rollers and tampers near sensitive areas.

    - In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:

    - Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.

    - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits,

and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.

- Construction contingencies would be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

The Project is not located nearby any historic or residential buildings, and does not include the use of pile driving. Thus, the Project's potential to create groundborne vibration from construction activities is limited to foundation and excavation work in the vicinity of existing commercial land uses.

Construction of the "New Middle Street" and "C Street" would occur in close proximity to existing commercial buildings. Building construction activities are separated from these adjacent commercial buildings by between 50 to 200 feet. Since surrounding buildings are contemporary in age, they can be expected to have been engineered and reinforced to withstand construction-related vibration without damage. However, implementation of Mitigation Measure NOI-6 would ensure the Project does not result in vibration-related damage to adjacent buildings.

For these reasons, the proposed project would not result in significant impacts related to temporary groundborne vibration from construction activities not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

HYDROLOGY AND WATER QUALITY

Would the Project?					
a) Violate any water quality standards or waste discharge requirements.	**LTSM**	**No**	**No**	**No**	**No**
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)..	**LTSM**	**No**	**No**	**No**	**No**
c) Substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation within or outside of the planning area.	**LTS**	**No**	**No**	**No**	**No**
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding within or outside of the planning area.	**LTSM**	**No**	**No**	**No**	**No**
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	**LTS**	**No**	**No**	**No**	**No**
f) Otherwise substantially degrade water quality.	**LTSM**	**No**	**No**	**No**	**No**
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	**No Impact**	**No**	**No**	**No**	**No**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows.	**No Impact**	**No**	**No**	**No**	**No**

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	**No Impact**	**No**	**No**	**No**	**No**
j) Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow.	**No Impact**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a, f) Water Quality Standard Violation, Degradation

Would the Project: (a) *Violate any water quality standards or waste discharge requirements; or (f) Otherwise substantially degrade water quality?*

The DCP SEIR identified two *potentially significant impacts* for this criterion, as follows:

- Impact HYD-1 - Short-Term Construction-Related Water Quality Impacts: Construction impacts on water quality are potentially significant, and could lead to exceedance of water quality objectives or criteria.
- Impact HYD-2 - Long-Term Operational Water Quality Impacts: Operational impacts associated with increased development under Downtown Community Plan could adversely affect water quality, which would represent a potentially significant impact associated with Plan implementation.

The DCP SEIR concluded that short-term and long-term water quality impacts could be mitigated below the threshold of significance through implementation of the following mitigation measures:

- Mitigation HYD-1 - Compliance with City Water Quality Requirements and State NPDES Construction General Permit: All construction activities, including installation and realignment of utilities, would be subject to existing regulatory requirements, including the SWRCB statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit) (Order No. 2009 0009-DWQ, NPDES No. CAR000002). The NPDES Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list BMPs that the discharger will use to protect stormwater runoff, including the placement and timing of those BMPs. Additionally, the SWPPP must contain a

visual monitoring program; and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

- Mitigation HYD-2 - Compliance with NPDES Permit Requirements, City Ordinances and ACCWP Guidelines: All future near- and long-term development must comply with the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MS4 Permit), City of Fremont Storm Water Management and Discharge Control ordinances, and ACCWP Guidelines.

The Project would include construction activities and long-term stormwater runoff sources consistent with that contemplated in the DCP SEIR. The Project would result in no new significant effects (on-site, off-site or cumulative) for this topic, and there is no new information indicating a more serve adverse impact than discussed in the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to water quality not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Groundwater Supplies

Would the Project: *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

The DCP SEIR identified a *less than significant impact* relative to interference with groundwater recharge but identified a *potentially significant impact* concerning potential disturbance of existing or unknown wells, as follows:

- Impact HYD-3 – Well Protection/Destruction: Construction anticipated under the Downtown Community Plan could adversely affect groundwater quality via interference with active monitoring wells and abandoned groundwater wells, or subsurface drilling activities, a potentially significant impact.

The DCP SEIR concluded this potential impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation HYD-3 – Well Protection/Construction: Development-Related Impacts to Groundwater Quality. Construction anticipated under the Downtown Community Plan could adversely affect groundwater quality via

interference with active monitoring wells and abandoned groundwater wells, or subsurface drilling activities, a potentially significant impact.

- Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the Downtown District, and each well must be in compliance with ACWD Ordinance No. 2010-01. If the wells are to remain, a letter documenting the status of each well must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. Any abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities.

- Drilling Permit Requirement: Prior to the start of any subsurface drilling activities, a drilling permit from ACWD must be obtained. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or via ACWD's website at http://www.acwd.org/engineering/drilling,.permit.php5.

- Before a permit is issued, the applicant is required to deposit with ACWD, cash or check in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

- Access to ACWD Facilities: Safe access must be maintained to any ACWD installed monitoring wells in the Downtown area.

Records at ACWD indicate that the Project site has a groundwater well. Therefore, implementation of Mitigation Measure HYD-3 would apply to the Project and result in the abandonment of the existing well in a manner that would prevent degradation of groundwater quality.

For these reasons, the proposed project would not result in significant impacts related to groundwater supplies not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Drainage Pattern Alteration - Erosion or Siltation

Would the Project: *Substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation within or outside of the planning area?*

Under current conditions, surface drainage from the Downtown area collects in

roadways and is conveyed via drain inlets to storm drain mains running along existing streets. The Capitol Avenue extension and several new east-west connector streets between existing and proposed roads would be created through implementation of the DCP. Thus, the existing drainage pattern would be altered by the changes in road layout and the Project accommodates them in its design.

However, the DCP SEIR found that no substantial erosion or siltation would occur as a result from drainage pattern changes because surface flow would occur primarily along hardened surfaces (i.e. sidewalks, curb and gutters, and paved roadways). There is nothing peculiar to the Project or its site that would result in a conclusion at variance with those found in the DCP SEIR regarding erosion or siltation from drainage pattern alterations. The Project would collect and convey stormwater in the manner contemplated by the DCP SEIR.

For these reasons, the proposed project would not result in significant impacts related to the existing drainage pattern, erosion or siltation not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Drainage Pattern Alteration - Flooding

Would the Project: *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding within or outside of the planning area?*

The DCP SEIR identified a *potentially significant impact* concerning flooding from drainage pattern alteration, as follows:

- Impact HYD-4 - Increased Stormwater Runoff: Development anticipated under the Downtown Community Plan could result in increased stormwater runoff. In the absence of detailed development plans and site-specific stormwater runoff analysis for individual projects, increased runoff from development anticipated under the Downtown Community Plan could be considered a potentially significant impact.

The DCP SEIR concluded this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation HYD-4 - Developer Compliance with State NPDES Municipal Regional (MS4) Permit and City Urban Runoff Standard Conditions of Approval and City Development Design Requirements.

The Project site is covered by asphalt pavement. Its post-construction condition would not result in a substantial increase in stormwater runoff. Also, the Project would not require hydromodification management since it would not add more than one acre of new impervious surface. Implementation of Mitigation Measure HYD-4 would address stormwater runoff rates and durations and ensure flooding does not result.

For these reasons, the proposed project would not result in significant impacts related to flooding caused by altering the existing drainage pattern not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Drainage System Capacity

Would the Project: *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The DCP SEIR states, "The City of Fremont has not identified any significant existing storm drain capacity issues in the Downtown area, and does not propose any improvements to the existing storm drain system as part of the Downtown Community Plan." As mentioned, the Project site is covered by asphalt pavement and, as a result, its post-construction condition would not substantially increase stormwater runoff.

For these reasons, the proposed project would not result in significant impacts related to the capacity of existing or planned stormwater drainage systems not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(g, h) Housing or Structures in Flood Hazard Area

Would the Project: (g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or (h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

The Downtown area is outside of the 100-year floodplain (City of Fremont FIRM, 06001C0461G, August 3, 2009). Thus, the Project would not place housing or structures within a 100-year flood hazard area as mapped on the City of Fremont FIRM.

For these reasons, the proposed project would not result in significant impacts related to housing or structures in a flood hazard area not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(i) Levee or Dam Failure

Would the Project: *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

The majority of Fremont, including the Project site, is located within a mapped dam inundation area.[7]

The General Plan EIR states,

> "It is anticipated that inundation by dam failure is unlikely and a relatively low risk due to the structural engineering of the dams in the vicinity of Fremont and compliance with federal and state laws enacted to enhance dam safety. Furthermore, in compliance with Federal requirements, the Association of Bay Area Governments (of which Fremont is a member) developed a Local Hazard Mitigation Plan. The Plan is a comprehensive approach to emergency preparedness, addressing possible hazards which may result from an emergency such as a natural disaster, technological incident, nuclear defense, and civil disorder or terrorism. The Plan is designed to not only consider the effects of a single natural catastrophe (such as an earthquake), but emergency problems that often result from major disasters such as the failure of an upstream dam. The Plan includes critical facilities within Fremont that can be used as shelter and emergency evacuation routes."

The General Plan EIR determined that: (a) the existing Association of Bay Area Governments (ABAG) Local Hazard Mitigation Plan, in conjunction with federal and state laws in relation to dam safety, would minimize the risk of exposing people and structures to the failure of dams in the project vicinity; and (b) the General Plan policies, together with other existing flood prevention strategies and policies, would reduce potential inundation hazards from dam and levee failure to existing and future development to a level considered *less than significant*.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with those found in the General Plan EIR regarding exposure of people or

[7] Page 4-200, Fremont General Plan EIR.

structures to levee or dam failure.

For these reasons, the proposed project would not result in significant impacts related to a levee or dam failure not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(j) Seiche, Tsunami, Mudflow

Would the Project: *Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?*

According to tsunami evacuation zone maps published by the ABAG, the Downtown area would not be subject to inundation by tsunami. It is not located adjacent to any large body of fresh water that could be expected to overtop its banks during an earthquake, so it is not subject to inundation due to seiche. The area is nearly flat and would not be subject to mudflows.

The Project would not result in any peculiar effects, new impacts or more severe impacts regarding the exposure of people or structures to inundation by seiche, tsunami or mudflow.

For these reasons, the proposed project would not result in significant impacts related to exposure of people or structures to a significant risk of inundation by seiche, tsunami, or mudflow not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

GEOLOGY AND SOILS

Project results in?					
a) Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. ii) Strong Seismic Ground Shaking iii) Seismic-related ground failure, including liquefaction. iv) Inundation by seiche, tsunami, or mudflow. v) Landslides vi) Flooding, including flooding as a result of the failure of a levee or dam.	**LTSM/LTS**	**No**	**No**	**No**	**No**
b) Substantial erosion or loss of topsoil.	**LTSM**	**No**	**No**	**No**	**No**
c) The loss of a unique geological feature.	**No Impact**	**No**	**No**	**No**	**No**
d) Soil or a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse.	**LTSM**	**No**	**No**	**No**	**No**
e) Location on expansive soil, creating substantial risks to life or property.	**LTS**	**No**	**No**	**No**	**No**
f) Soil incapable of supporting the use of septic tanks or other alternative wastewater disposal systems where sewers are not available.	**No Impact**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Earthquake Hazards

Project results in: *Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i)*

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong Seismic Ground Shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Inundation by seiche, tsunami, or mudflow; (v) Landslides; (vi) Flooding, including flooding as a result of the failure of a levee or dam?

Surface Fault Rupture

The DCP SEIR states, "There are no faults zoned as active according to the Alquist-Priolo Earthquake Fault Zoning Act crossing the Downtown area. Therefore, the hazard of surface fault rupture is less than significant." No new faults have subsequently been mapped in the Downtown area. Therefore, potential impacts associated with surface fault rupture would remain *less than significant*.

Seismic Ground Shaking

The DCP SEIR identified a *potentially significant impact* concerning seismic ground shaking, as follows:

- Impact GEO-1 - Potential Exposure of Structures to Strong Seismic Ground Shaking: Property damage, personal injury, and loss of life may result from poorly constructed buildings subject to strong to violent seismic ground shaking. This would represent a potentially significant impact associated with implementation of the Downtown Community Plan.

The DCP SEIR concluded this impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation GEO-1 - Compliance with California Building Code Requirements: Any structures built in the Downtown Community Plan District following adoption of the Downtown Community Plan shall meet requirements of the 2010 California Green Building Code published by the International Conference of Building Officials, and as modified by the amendments, additions and deletions as adopted by the City of Fremont, California.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR regarding seismic ground shaking. Compliance with the mentioned building code is mandatory and must be demonstrated through detailed plans and specifications, prior to permit issuance.

Seismically-Related Ground Failure

Seismic hazard zone maps produced by California State Geologist show the Downtown District as not located within a liquefaction seismic hazard zone.[8] Furthermore, the DCP SEIR determined that application of General Plan 2035 implementation measures would reduce the potential impact associated with seismically-related ground failure to a level of *less than significant*.

Landslides (Including Seismically-Induced)

The Downtown area is located in a very gently sloping area of the City of Fremont. Seismic hazard zone maps produced by California State Geologist show the Downtown District as not located within an earthquake-induced landslide hazard zone.[9] Potential landslides at the Project site are considered a *less than significant impact*.

Flooding (including as a result of the failure of a levee or dam)

See the analysis in the Hydrology section above.

Conclusion

For these reasons, the proposed project would not result in significant impacts related to earthquake hazards not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Topsoil Loss

Project results in: *Substantial erosion or loss of topsoil?*

The DCP SEIR identified a *potentially significant impact* concerning soil erosion and topsoil loss, as follows:

- Impact GEO-2 - Potential Construction-Related Soil Erosion: Construction activity associated with development under the Downtown Community Plan could result in disturbance of topsoil, which may be subject to erosion by stormwater runoff. This would represent a potentially significant impact associated with implementation of the Downtown Community Plan.

8 State of California, Seismic Hazard Zones, Niles Quadrangle, October, 19, 2004.

9 Ibid

The DCP SEIR concluded that this significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation GEO-2 - Implementation of Storm Water Pollution Prevention Plan (SWPPP): In accordance with the Clean Water Act and the State Water Resources Control Board (SWRCB), the applicant for any construction projects that disturb more than one acre shall file a Storm Water Pollution Prevention Plan (SWPPP) prior to the start of construction. The SWPPP shall include specific best management practices to reduce soil erosion. This is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Additionally, any construction activities planned as a result of the implementation of the community plan shall require an Erosion Control Plan to be submitted to the City in conjunction with the Grading Permit Application. The Plan shall include winterization, dust, erosion and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control Measures, with sediment basin design calculations. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and after construction to control pollution resulting from both storm and construction water runoff. The Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes. Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains. Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, and note any violations, which shall be corrected immediately.

The Project's construction activities would require a grading permit from the City, and would be carried out in accordance with the Fremont Grading Ordinance (FMC Title 18, Chapter18.205). Mandatory compliance with the grading ordinance and Mitigation Measure GEO-2 (above) would ensure the Project would not result in substantial erosion or topsoil loss.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to topsoil loss not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Unique Geological Feature

Project results in: *The loss of a unique geological feature?*

There are no unique geological features within the Downtown area of Fremont. Therefore, this criterion is inapplicable.

(d) Unstable Soil or Geologic Unit

Project results in: *Soil or a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse?*

The DCP SEIR identified a *potentially significant impact* concerning soil erosion and topsoil loss, as follows:

- Impact GEO-3 - Construction on Unstable Geologic Units: Property damage, personal injury, and loss of life may result from building in areas which may be characterized as unstable geologic units. This would represent a potentially significant impact associated with implementation of the Downtown Community Plan.

The DCP SEIR concluded that this significant impact could be mitigated below the threshold of significance through implementation of the Mitigation Measure GEO-1 (discussed above). Compliance with the building code, as noted at Mitigation Measure GEO-1 is mandatory and must be demonstrated through detailed plans and specifications, prior to permit issuance.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to soil instability not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Expansive Soil

Project results in: *Location on expansive soil, creating substantial risks to life or property?*

The DCP SEIR determined that,

> "Implementation of the Downtown Community Plan would potentially entail development on expansive soil subject to shrinking and swelling in response to changes in moisture content. Expansive soils are a major cause of foundation-related property damage in California, and according to the USDA Soil Survey for Alameda County, are found underlying the Downtown District. The 2010 California

Green Building Code, which was adopted by the City of Fremont through Ordinance No. 23-2010, requires a preliminary soil report to identify and mitigate potential geologic and soil related constraints to development, including expansive soils. As all development taking place within the Downtown area following adoption of the Downtown Community Plan would be required to comply with the 2010 California Green Building Code, potential impacts associated with expansive soils would be less than significant."

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR concerning expansive soils. Compliance with the mentioned building code is mandatory and must be demonstrated through detailed plans and specifications, prior to permit issuance.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to expansive soil not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(f) Septic Tanks

Would the Project: *Soil incapable of supporting the use of septic tanks or other alternative wastewater disposal systems where sewers are not available?*

The Project would be required to be connected to the Union Sanitary District sanitary sewer facilities. Therefore, this criterion is inapplicable.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

HAZARDS AND HAZARDOUS MATERIALS

Would the Project?					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	**LTS**	**No**	**No**	**No**	**No**
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	**LTSM**	**No**	**No**	**No**	**No**
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	**LTS**	**No**	**No**	**No**	**No**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.	**LTS**	**No**	**No**	**No**	**No**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project Area.	**No Impact**	**No**	**No**	**No**	**No**
f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project Area.	**No Impact**	**No**	**No**	**No**	**No**
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	**LTS**	**No**	**No**	**No**	**No**
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	**LTS**	**No**	**No**	**No**	**No**

No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable

(a) Hazardous Material Transport, Use or Disposal

Would the Project: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The DCP SEIR determined that,

> "Implementation of the proposed Downtown Community Plan would likely result in an increase in the number of businesses storing, using, transporting, and/or disposing of hazardous material within the Downtown area. However, the General Plan 2035 identifies goals, policies and actions designed to reduce the impact of businesses routinely using, storing, and transporting hazardous material. These actions, identified above, in combination with California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations, would reduce the impact of the routine use, transport, or disposal of hazardous material to a level considered less than significant."

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this topic. The Project would not include land uses (i.e., residential, commercial retail) that transport, use or dispose of substantial amounts of hazardous materials.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to the transport, use or disposal of hazardous materials not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Hazardous Material Upset or Accident

Would the Project: *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The DCP SEIR identified a *potentially significant impact* concerning potential upset or accident conditions involving hazardous materials, as follows:

- Impact HAZ-1 - Increased Exposure to Hazardous Materials: With increased population and construction activity anticipated in the Downtown area under the Downtown Community Plan, the number of residents and workers who could potentially be exposed to hazardous materials which may already be present at some sites would increase. This would represent a potentially

significant impact associated with implementation of the Downtown Community Plan.

The DCP SEIR concluded this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation HAZ-1 - Require Phase 1 Environmental Site Assessments for (Re)development Projects: Prior to development/re-development of properties located within the Downtown area, a Phase I Environmental Site Assessment shall be performed to assess any potential risks of hazardous material release to the property or the environment due to any previous land uses. This Phase I environmental site assessment will determine the likelihood of the presence of hazards and/or hazardous materials and determine whether construction activities on the building site will lead to a release of hazardous material.

The Project site provided for agricultural activities until approximately 1966. In approximately 1968, the Project site was developed with a commercial building. That commercial building was demolished sometime between 1998 and 2005. No land uses and/or buildings have occupied the site since. Government databases include no records indicating prior use of the Project site resulted in the release of hazardous materials.[10]

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to the upset and accident conditions involving the release of hazardous materials into the environment not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Hazardous Materials Emissions Near Schools

Would the Project: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The DCP SEIR determined that,

"Implementation of the proposed Downtown Community Plan would include development in the vicinity of existing and/or planned schools. However, state

[10] EDR Radius Map Report with GeoCheck, State Street Project, August 1, 2014, Inquiry Number: 4024655.2s

> regulations on siting of hazardous materials facilities and schools limit the facilities' proximity to schools. Additionally, new construction within the Downtown area would be implemented under the General Plan 2035. Construction in accordance with the General Plan 2035 would reduce the impact to a level considered less than significant."

The Project would not include land uses that would transport, use or dispose of hazardous materials. Furthermore, the project site is not located within one-quarter mile of a school.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to emission of hazardous materials near schools not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Government Code Section 65962.5

Would the Project: *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?*

The DCP SEIR determined that,

> "There are no sites within the Downtown area that are currently listed on a government database complied pursuant to Government Code Section 65962.5 (Cortese List). Therefore, this is a *less than significant impact*."

Government databases include no records indicating prior use of the Project site resulted in the release of hazardous materials.[11] The Phase I Environmental Assessment prepared for the site indicates that there are no Federal Superfund (National Priority List) liens, or state environmental deed restrictions associated with the property, and that no files for the property are maintained by the RWQCB or DTSC.[12]

The Project would not result in any peculiar effects, new impacts or more severe

[11] EDR Radius Map Report with GeoCheck, State Street Prject, August 1, 2014, Inquiry Number: 4024655.2s

[12] PES Environmental, Inc., Phase I Environmental Site Assessment, 39155 and 39183 State Street, July 15, 2014

impacts. For these reasons, the proposed project would not result in significant impacts related to hazardous materials pursuant to Government Code Section 65962.5 that would create a significant hazard to the public or the environment not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Airport Hazard

Would the Project: *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project Area?*

There are no airports within two miles of the Downtown area.

(f) Private Airstrip Hazard

Would the Project: *For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project Area?*

There are no airports within two miles of the Downtown area.

(g) Emergency Response Plan

Would the Project: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The DPC SEIR determined that,

> "Development under the Downtown Community Plan would not interfere with an adopted emergency response or emergency evacuation plan. The Plan will improve emergency access by extending Capitol Avenue across the entire Downtown area. This is considered a less than significant impact."

The Project would accommodate the extension of Capitol Avenue and would result in additional, connecting roadways. These paths of travel would improve access for emergency personnel and vehicles.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant

impacts related to a conflict with an emergency response plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(h) Wildland Fire

Would the Project: *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The DCP SEIR determined that,

> "The Downtown area is located on nearly flat land within the urbanized core of the City of Fremont. Wildland fires are not anticipated to impact the area. This is a less than significant impact."

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to exposure of people or structures to a significant loss, injury or death involving wildland fires not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

CULTURAL AND PALEONTOLOGICAL RESOURCES

Would the Project?					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	**SU**	**No**	**No**	**No**	**No**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.	**LTSM**	**No**	**No**	**No**	**No**
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**LTSM**	**No**	**No**	**No**	**No**
d) Disturb any human remains, including those interred outside of formal cemeteries.	**LTSM**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Change to Historic Resource

Would the Project: *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

The DCP SEIR identified a *potentially significant impact* concerning potential demolition or substantial adverse changes to historical resources, as follows:

- Impact CUL-1 - Demolition of, or Substantial Adverse Changes in, Historical Resources: Implementation of the Downtown Community Plan may result in the demolition of historic resources or cause substantial adverse changes in the significance of one or more identified potential historic resources if future individual development projects do not incorporate measures that ensure project-related changes are in accordance with either of the following publications:

  - The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or

  - The Secretary of the Interior's Standards for the Treatment of Historic

Properties with Guidelines for the Treatment of Cultural Landscapes

Substantial adverse changes that may occur include demolition, destruction, relocation, or alteration of one or more resources, such that the resource is "materially impaired". The significance of a historic resource is considered to be "materially impaired" when a project demolishes or materially alters the physical characteristics that justify the determination of a historic resource's significance (CEQA Guidelines Section 15064.5 ([b]). Such an adverse change to the CEQA-defined historic resource would constitute a potentially significant impact.

The DCP SEIR concluded this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation CUL-1 - Review Development Projects on a Case-by-Case Basis under the City's Historic Resources Ordinance: As individual development projects are proposed, those with potential adverse effects on historic resources will be evaluated under the Historic Resources Ordinance.

The Project site is vacant and, thus, would not result in the demolition or alteration of a historic resource. Thus, Mitigation Measure CUL-1 is inapplicable to the Project.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to historic resources not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Change to Archaeological Resource

Would the Project: *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

The DCP SEIR identified a *potentially significant impact* concerning potential disturbance to unidentified subsurface archaeological resources, as follows:

- Impact CUL-2 - Possible Disturbance of Unidentified Subsurface Archaeological Resources: Although no archaeological resources are currently known to exist in portions of the City where the Downtown Community Plan is anticipating development, substantial ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a potentially significant impact.

The DCP SEIR concluded this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation CUL-2 - Halt Work/Archaeological Evaluation/Site-Specific Mitigation: If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this topic. Mitigation Measure CUL-2 would apply to the Project and would be adequate to address accidental discovery of archaeological resources at the Project site.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to archeological resources not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Unique Paleontological Resource of Geologic Feature

Would the Project: *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The DCP SEIR identified a *potentially significant impact* concerning potential possible disturbance of unidentified paleontological resources or geologic features, as follows:

- Impact CUL-3 - Possible Disturbance of Unidentified Subsurface Archaeological Resources: Although no archaeological resources are currently known to exist in portions of the City where the Downtown Community Plan is anticipating development, substantial ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources,

which would represent a potentially significant impact.

The DCP SEIR also identified this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

- Mitigation CUL-3 - Halt Work/Paleontological Evaluation/Site-Specific Mitigation: Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this topic. Mitigation Measure CUL-3 would apply to the Project and would be adequate to address accidental discovery of paleontological resources at the Project site.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to a unique paleontological resource of geologic feature not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Human Remains Disturbance

Would the Project: *Disturb any human remains, including those interred outside of formal cemeteries?*

The DCP SEIR identified a *potentially significant impact* concerning potential possible disturbance of unidentified human remains, as follows:

- Impact CUL-4 - Possible Disturbance of Unidentified Human Remains: Substantial ground-disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains, which would represent a potentially significant impact.

The DCP SEIR concluded this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation

measure:

- Mitigation CUL-4 - Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations: If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DCP SEIR for this topic. Mitigation Measure CUL-4 would apply to the Project and would be adequate to address accidental discovery of human remains at the Project site.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to disturbance of human remains not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

PUBLIC SERVICES

Would the Project?					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire Protection	**LTS**	**No**	**No**	**No**	**No**
ii) Police Protection	**LTS**	**No**	**No**	**No**	**No**
iii) Schools	**LTS**	**No**	**No**	**No**	**No**
iv) Parks	**LTS**	**No**	**No**	**No**	**No**
v) Other Public Facilities	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Fire Protection

Would the Project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection?*

The DCP SEIR determined that,

> "The nearest fire station (Station 1) is located at the intersection of Mowry Avenue and Argonaut Way, approximately ¼ mile from the project area. The station includes a full company with a ladder truck. The proposed street sections and circulation routes comply with access requirements of the Fire Marshal needed to support mid-rise construction. Project-specific review to assess compliance with

regulations and standards will continue to be especially important with high rise and high density commercial or residential development.

Implementation of the Downtown Community Plan would not require the provision of new or physically altered fire stations (the construction of which could cause significant environmental impacts), in order to maintain acceptable response times (less than significant)."

The Project would accommodate the extension of roadways contemplated by the DCP. These paths of travel would improve access for emergency personnel and vehicles. The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would have the same demand for fire protection services as anticipated in the DCP SEIR.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to fire protection not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Police Protection

Would the Project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police Protection?*

The DCP SEIR determined that,

"With the development anticipated under the Downtown Community Plan, there would be considerably more people living and working in the Downtown area than at present, creating an increased demand for police protection in the area. While this may require an increase in police staffing and support equipment, it would not be expected to require the construction of a new police station or the expansion of the existing police station, and the impact would be considered less than significant. An expansion of the existing Department Headquarters building to 80,000 square feet may be anticipated during the twenty-five-year planning period, with or without implementation of the Downtown Community Plan."

The Project would accommodate the extension of roadways contemplated by the DCP. These paths of travel would improve access for emergency personnel and vehicles. The Project would include land uses and a building intensity consistent with

that envisioned by the DCP. Consequently, the Project would have the same demand for police protection services as antici[pated in the DCP SEIR.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to police protection not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(c) Schools

Would the Project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?*

The DCP SEIR determined that,

> "Under California law, the payment by a developer of all current school impact fees associated with a proposed development effectively mitigates any impact that such development may have on the facilities of the local school district. Under the Downtown Community Plan, all developers would continue to be required to make such payments to the Fremont Unified School District prior to the City's issuance of any certificate of occupancy, in effect reducing all development-related impacts to local schools to a level of less than significant."

The Project would be required to pay school impact fees and, in doing so, would effectively mitigate any impacts under California law.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to schools not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(d) Parks

Would the Project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental*

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?

The DCP SEIR determined that,

> "The Downtown Community Plan identifies two locations for proposed urban Civic Parks, both situated on city-owned property and adjacent to the proposed New Middle Road that services pedestrians and bicyclists to the Fremont BART station. These modest parks are intended to provide the neighborhood with landscaped passive park amenities. Given the current absence of any public parks or recreational facilities within the Downtown area, the development of the two proposed community parks would enhance recreational opportunities for local residents. The development of these two community parks could be expected to entail construction-related impacts similar to those associated with other development projects (e.g., temporary air quality and noise effects during the actual construction activity at the two sites), but with implementation of the applicable mitigation measures identified in the corresponding sections of the DRAFT Supplemental EIR, above, these temporary impacts could be reduced to a level of less than significant."

The Project excludes any public park facilities and would not be located on a site planned to include such facilities.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to parks not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(e) Other Public Services

Would the Project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other Public Services?*

The DCP SEIR determined that,

> "Development anticipated under the Downtown Community Plan would be expected to increase the number of residents and workers within the Downtown area, which could be expected to place an increase demand on the public library

system, result in increased use of existing community and senior centers, and expand demand for child care. However, these increased demands are unlikely to necessitate expansion of existing library facilities or child care facilities, or the construction of new facilities and centers that are not already contemplated, and the impact would be considered less than significant."

The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would have the same demand for "other public services."

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to other public services not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

INFRASTRUCTURE AND UTILITIES

Would the Project?					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	**LTS**	**No**	**No**	**No**	**No**
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	**LTS**	**No**	**No**	**No**	**No**
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	**LTS**	**No**	**No**	**No**	**No**
d) Have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements necessary.	**LTS**	**No**	**No**	**No**	**No**
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	**LTS**	**No**	**No**	**No**	**No**
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	**LTS**	**No**	**No**	**No**	**No**
g) Comply with federal, state, and local statutes and regulations related to solid waste.	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a, b, e) RWQCB Wastewater Treatment Standards, Wastewater Treatment Expansion

Would the Project: (a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?; (b) Require or result in the construction of new water or wastewater treatment facilities or*

expansion of existing facilities, the construction of which could cause significant environmental effects?; or (e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The DCP SEIR determined that,

> "New 8-inch sanitary sewer mains would be installed in new streets to provide sanitary sewer service to the properties fronting the new public rights-of-way, and it is likely that the 6-inch sanitary sewer main in Fremont Boulevard will need to be replaced to support development under this alternative. The installation of new sanitary sewer infrastructure could be expected to entail construction-related impacts similar to those associated with other development projects (e.g., temporary air quality and noise effects during the actual installation), but with implementation of the applicable mitigation measures identified in the corresponding sections of the DRAFT Supplemental EIR above, these temporary impacts could be reduced to a level of less than significant."

Also, the General Plan EIR determined the Union Sanitary District's Alvarado Treatment Plan has the capacity to accommodate the level of development anticipated under the General Plan Update; including the Downtown Community Plan.[13]

The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would result in a demand for sewer service similar to that anticipated by the General Plan EIR. Also, the Project would result in the construction of planned wastewater lines[14] within abutting streets as contemplated by the DCP SEIR.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to wastewater treatment standards or facilities not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

[13] General Plan EIR, Appendix A, letter from Rollie Arbolante, P,E,, Coach/Senior Engineer, Union Sanitary District, to Kelly Diekmann, City of Fremont, September 21, 2010

[14] See Exhibit 2.34 (Proposed Sanitary Sewer System Map), Downtown Community Plan.

(c) Stormwater System Capacity

Would the Project: *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The DCP SEIR determined that,

> "New storm drains ranging in size from 12 inches to 24 inches would be installed in new streets to provide drainage to the new rights-of-way and the adjacent properties. No improvements to the existing storm drainage system would be anticipated, although new storm drain inlets and laterals may be necessary at locations where existing drainage patterns are disrupted by street modifications, including the addition of bulb-outs at the intersections and mid-block pedestrian crosswalks. Infiltration may be considered as a stormwater management option at some development sites.
>
> Stormwater runoff in the public right-of-way will be treated with City-specified standard tree well filters sized and space to accommodate the impervious areas within the right-of-way. Grass medians and other planted areas in the public right-of-way may also be used to provide storm water treatment of the public streets so long as the street's drainage flow allows for them.
>
> The installation of new storm drainage infrastructure could be expected to entail construction-related impacts similar to those associated with other development projects (e.g., temporary air quality and noise effects during the actual installation), but with implementation of the applicable mitigation measures identified in the corresponding sections of the DRAFT Supplemental EIR above, these temporary impacts could be reduced to a level of less than significant."

The Project would include the extension of stormwater infrastructure in new roadways, as contemplated by the DCP.[15]

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to the stormwater system capacity not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

[15] See Exhibit 2.35 (Proposed Storm Drain System Map), Downtown Community Plan.

(b) Water Supply

Would the Project: *Have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements necessary?*

The DCP SEIR determined that,

> "The Water Supply Assessment conducted for the project (Appendix B) indicated that water demand associated with development under the Downtown Community Plan was estimated at 870 acre-feet per year, of which 705 acre-feet per year would represent new demand (see Table 4-25, below). This assessment indicated that under normal year conditions, Alameda County Water District supplies are projected to be sufficient to meet the future demands in the service area, including the demands associated with development under the Downtown Community Plan (see Appendix B, page 18, #7).
>
> Under the Downtown Community Plan, new 8-inch water mains would be installed in new streets to provide water service and fire protection along the new public rights-of-way and properties served by them. Fire hydrants would be nominally spaced at 300 feet along the new streets, No improvements to the existing water distribution system would be made, although as redevelopment occurs, some water mains which cross private parcels may need to be reconfigured to accommodate development. The installation of new water mains could be expected to entail construction-related impacts similar to those associated with other development projects (e.g., temporary air quality and noise effects during the actual installation), but with implementation of the applicable mitigation measures identified in the corresponding sections of the DRAFT Supplemental EIR above, these temporary impacts could be reduced to a level of less than significant."

The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would result in a demand for water service similar to that assumed by the DCP SEIR. Also, the Project would include the extension of water infrastructure in new roadways, as contemplated by the DCP.[16]

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to water supply not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

[16] See Exhibit 2.33 (Proposed Domestic Water System Map), Downtown Community Plan.

(f) Landfill Capacity

Would the Project: *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

The DCP SEIR determined that,

> "Additional development within the Downtown District would increase the demand for solid waste collection and disposal. However, programs are in place to increase waste diversion rates by expanding recycling programs, including mandatory single-family and multi-family residential recycling, drop-off disposal sites for items such as motor oil, electronic waste, batteries and household hazardous waste, and a commercial food waste recycling program. The City has implemented a Construction and Demolition Debris Ordinance that requires minimum levels of recycling of construction and demolition debris, further increasing the City's diversion rate, and is part of the State-sponsored Recycled Market Development Zone Program which encourages recycling based business to locate in Fremont. Taken together, these measures would be expected to reduce the increased demand for solid waste collection and disposal associated with increased development under the Downtown Community Plan to a level considered less than significant."

The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would have a similar generation of waste for disposal in a landfill as that contemplated for the site.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to landfill capacity not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(g) Solid Waste

Would the Project: *Comply with federal, state, and local statutes and regulations related to solid waste?*

The DCP SEIR determined that,

> "Additional development within the Downtown District would increase the demand for solid waste collection and disposal. However, programs are in place to increase waste diversion rates by expanding recycling programs, including mandatory single-family and multi-family residential recycling, drop-off disposal sites for items such as motor oil, electronic waste, batteries and household hazardous waste, and a commercial food waste recycling program. The City has

implemented a Construction and Demolition Debris Ordinance that requires minimum levels of recycling of construction and demolition debris, further increasing the City's diversion rate, and is part of the State-sponsored Recycled Market Development Zone Program which encourages recycling based business to locate in Fremont. Taken together, these measures would be expected to reduce the increased demand for solid waste collection and disposal associated with increased development under the Downtown Community Plan to a level considered less than significant."

The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would have a similar demand for solid waste services to that intended for the site. Also, mandatory compliance with the City of Fremont Construction and Demolition Debris Ordinance would ensure construction-related debris would be recycled and/or reused.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to solid waste not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

	Prior EIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?

GLOBAL CLIMATE CHANGE

Would the Project?					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	**LTS**	**No**	**No**	**No**	**No**
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	**LTS**	**No**	**No**	**No**	**No**
No Impact; LTS = Less than significant; LTSM = Less than significant with mitigation; SU = Significant and unavoidable					

(a) Greenhouse Gas Emissions

Would the Project: *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The DCP SEIR utilized BAAQMD guidelines and thresholds adopted in June 2010 and concluded that the increase in greenhouse gas emissions (GHG) associated with implementation of the DCP (at full build-out) would be less than significant. As mentioned in the air quality section above, BAAQMD subsequently updated the CEQA Guidelines in May 2011. This analysis also relies upon the significance thresholds and methodology in the BAAQMD's *California Environmental Quality Act - Air Quality Guidelines* published in May 2011.

The May 2011 BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of GHG emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 scoping plan measures and AB 32 targets.

BAAQMD suggests applying GHG efficiency thresholds to projects with emissions of 1,100 metric tons (MT) ofC02e (carbon dioxide equivalency) or greater per year. Projects that have emissions below 1,100 MT of C02e per year are considered to have less than significant GHG emissions. Land use projects with emissions above the 1,100

MT per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT per year per capita. Projects with emissions above the threshold would be considered to have an impact, which, cumulatively, would be significant.

The Project would exceed the screening size[17] listed in the BAAQMD CEQA Air Quality Guidelines as having less than significant GHG emissions. Therefore, a refined analysis that includes modeling of GHG emissions from the Project was conducted. GHG emissions were computed for the full build out scenario of the Project in 2016. The CalEEMod model was used to compute air pollutant emissions. The model also predicts emissions of GHG in the form of equivalent carbon dioxide emissions or C02e.

The per capita rate for this project is the annual GHG emissions expressed in metric tons divided by the estimated number of new residents and full-time employees. The number of new residents is anticipated to be 435 (if the project were built with 145 units). This is based on three residents per household for the City of Fremont. The number of new employees is estimated to be 66, based on an average of three employees per 1,000 square feet. Therefore, the total service population for the proposed project is estimated to be up to 501 persons.

Applying the above, GHG emissions estimates were generated using the CalEEMod model analysis in terms of annual metric tons of equivalent C02 emissions (MT of C02e/yr). Based on the CalEEMod modeling data operation of the project would exceed the bright-line-threshold of 1,100 MT of C02e/yr. As such, the 2016 per capita rate of project GHG emissions was compared to the GHG significance threshold of 4.6 MT C02e/year/capita established by BAAQMD. The 2016 project per capita emissions of 3.3 MT C02e/year/capita would not exceed the BAAQMD threshold of 4.6 MT C02e/year.

Therefore, the Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to greenhouse gas emissions not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

(b) Greenhouse Gas Reduction Plan Conflict

Would the Project: *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The DCP SEIR determined that,

[17] Table 3-1, BAAQMD CEQA Air Quality Guidelines, May 2011.

> "The Downtown Community Plan does not conflict with existing plans, polices or regulations to reduce GHG emissions. The General Plan 2035 expressly states the intent of promoting sustainability, and includes an aspirational goal of reducing greenhouse gas emissions by 25 percent below 2005 levels by 2020. Goal 7.8 and Policy 7.8.1 of the Conservation Element to strive to reduce greenhouse gas emissions and include a measure to update and review the City's greenhouse gas emission inventory and reduction measures every five years. The overall vision of the General Plan 2035 to create a more strategically urban city also supports regional efforts related to SB 375 for Sustainable Community Strategies that will reduce emissions related to transportation. Overall, the Downtown Community Plan promotes consistency with both state- and regional-level initiatives related to greenhouse gas emission reductions. In terms of potential conflicts with plans, policies or regulations adopted to reduce GHG emissions, implementation of the Downtown Community Plan would have a less than significant impact."

There is nothing peculiar to the Project or its site that would result in a conclusion at variance with that found in the DPC SEIR concerning conflicts with a GHG reduction plan. The Project would include land uses and a building intensity consistent with that envisioned by the DCP. Consequently, the Project would not conflict with the DCP SEIR's impact determination.

The Project would not result in any peculiar effects, new impacts or more severe impacts. For these reasons, the proposed project would not result in significant impacts related to a conflict with a greenhouse gas reduction plan not previously identified in the DCP SEIR and no further environmental review is necessary for this topic.

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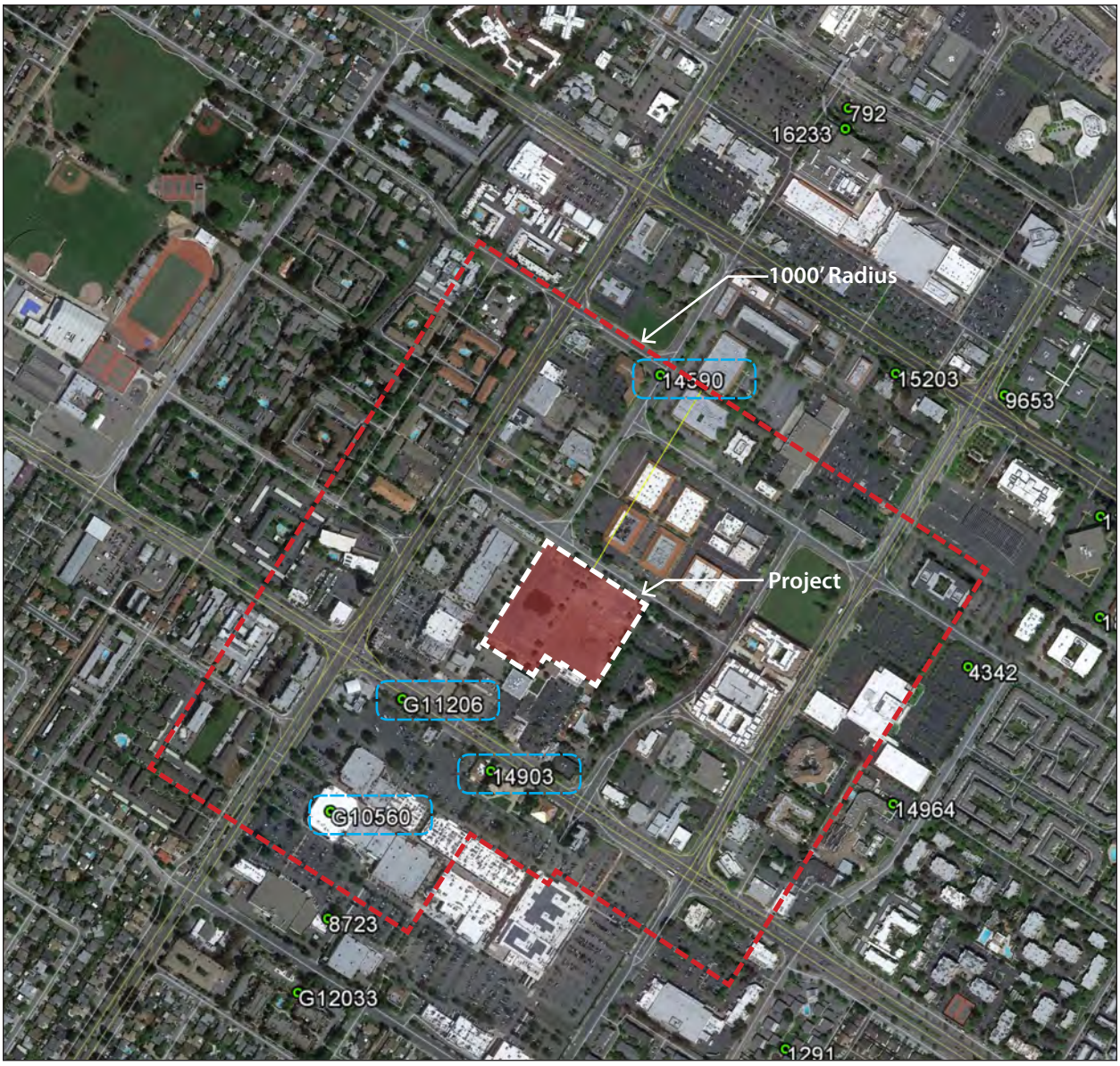
APPENDIX A

STATIONARY AIR EMISSION SOURCES



Source: BAAQMD Stationary Source Screening Tool, May 30, 2012.

= Stationary Source witin 1,000 feet of Project site.

14590

Alameda_May_2012_schema:FID	1411
Alameda_May_2012_schema:PlantNo	14590
Alameda_May_2012_schema:Name	City of Fremont
Alameda_May_2012_schema:Address	42551 OSGOOD ROAD
Alameda_May_2012_schema:City	Fremont
Alameda_May_2012_schema:UTM_East	589823.974
Alameda_May_2012_schema:UTM_North	4156624.023
Alameda_May_2012_schema:Cancer	1.49
Alameda_May_2012_schema:Hazard	0.001
Alameda_May_2012_schema:PM25	0.000
Alameda_May_2012_schema:Type	Generator

Directions: To here - From here

14903

Alameda_May_2012_schema:FID	1282
Alameda_May_2012_schema:PlantNo	14903
Alameda_May_2012_schema:Name	Target Corporation - Target Fremont T-14
Alameda_May_2012_schema:Address	39201 FREMONT BLVD
Alameda_May_2012_schema:City	Fremont
Alameda_May_2012_schema:UTM_East	589581.115
Alameda_May_2012_schema:UTM_North	4156041.992
Alameda_May_2012_schema:Cancer	0.14
Alameda_May_2012_schema:Hazard	0.001
Alameda_May_2012_schema:PM25	0.006
Alameda_May_2012_schema:Type	Generator

Directions: To here - From here

G10560

Alameda_May_2012_schema:FID	1326
Alameda_May_2012_schema:PlantNo	G10560
Alameda_May_2012_schema:Name	Hub Valero
Alameda_May_2012_schema:Address	4004 Mowry Avenue
Alameda_May_2012_schema:City	Fremont
Alameda_May_2012_schema:UTM_East	589346
Alameda_May_2012_schema:UTM_North	4155980
Alameda_May_2012_schema:Cancer	47.650
Alameda_May_2012_schema:Hazard	0.071
Alameda_May_2012_schema:PM25	na

Directions: To here - From here

G11206

Alameda_May_2012_schema:FID	1276
Alameda_May_2012_schema:PlantNo	G11206
Alameda_May_2012_schema:Name	Quick Gas & Food Mart
Alameda_May_2012_schema:Address	39080 Fremont Blvd
Alameda_May_2012_schema:City	Fremont
Alameda_May_2012_schema:UTM_East	589450
Alameda_May_2012_schema:UTM_North	4156146
Alameda_May_2012_schema:Cancer	12.792
Alameda_May_2012_schema:Hazard	0.019
Alameda_May_2012_schema:PM25	na

Directions: To here - From here